

**An Examination of Restorative Justice Conferences in a  
Primary School Using Conversation Analysis.**

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## Abstract

This study examines four restorative justice (RJ) conferences which took place during one term in an urban primary school. Although there is much research on the effectiveness of RJ, there is apparently no research to date which looks at the workings of RJ in terms of how it is co-constructed in situ by the participants. This study uses conversation analysis (CA) to document and inspect how the conferences work. Findings demonstrate the potential of CA to generate rich information about the mechanics of RJ conferences in schools and are used to suggest that this type of analysis on a larger scale could contribute to greater understanding of why such a highly verbalised intervention works, despite the likelihood that pupil-participants may be at an elevated risk of speech, language and communication needs (SLCN). It is also suggested that teacher talk has great potential to support children's communication skills during RJ conferences, by using and shaping talk to encourage pupil reflection on psychological states. As such it may be one of the few interventions to address SLCN and behaviour simultaneously.

## Declaration

This work has not been submitted in substance for any other degree or award at this or any other university or place of learning, nor is being submitted concurrently in candidature for any degree or other award.

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Date: 09.09.15

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This thesis is being submitted in partial fulfilment of the requirements for the degree of Post-Qualification Doctorate in Educational Psychology.

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### STATEMENT 2

This thesis is the result of my own independent work/investigation, except where otherwise stated.

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## Chapter 1: Introduction

*“Some people will say that students think it’s an easy option, you just sit down and have a chat (if they think it’s as easy as that then that’s good as far as I’m concerned because I want to continue to do it). I think they’d far rather just go in and do a detention, because you don’t actually have to face up to what’s happened and the conflict you might have caused with a teacher or a fellow student. They do want to avoid it. Careful preparation makes them realise that they can actually sit down with somebody else and have a conversation about it”*

Jackie Milner, Orchard School, Bristol:

<https://www.youtube.com/watch?v=q1ykLUJzEmg>

In order to reflect on the unique and additive aspects of this thesis it is useful to outline present knowledge and the additional information which is yielded as a result of this study. These aspects are summarised as follows:

*Relevant aspects of the current knowledge base in this area:*

- RJ is increasingly being used in schools
- Research which evaluates the use of RJ in schools has focused on user satisfaction – generally satisfaction is high, because processes are perceived as fair and there are clear ‘outcomes’ such as reduction of exclusions and increased attendance
- Research from the criminal justice system indicates that young people who offend are more likely to have speech, language and communication needs (SLCN), which may have been previously unidentified. There is a complex relationship between SLCN and challenging behaviour, which defies a simple causal link
- There is recognition that a complex set of skills is required in order to participate in a highly verbalised intervention such as RJ, and that children who commonly find themselves in RJ proceedings may be at increased risk of having SLCN
- Because of a lack of research on how participants and facilitators use language during the course of RJ conferences, it is unclear to what extent, if any, the language and communication skills of young people, or lack thereof, affects the process of the conference.

*What this paper adds:*

- A first hand, in-depth examination of the use of language in restorative justice processes in one school, with a view to clarifying how teacher-facilitators and pupil-participants co-construct meaning in order to negotiate the requirements of the conferences and achieve resolution
- Gives an analysis of the patterns of communication within the conferences, including the 'tools' participants use during the course of the conference
- Identifies the teacher's skill set as key in supporting the communication needs of pupil participants
- Suggests how findings from the application of CA to RJ conferences could be used to enhance teacher training in running RJ approaches in schools.

This paper reviews the literature in each of the two key areas; the use of restorative justice (RJ) in schools and the current situation regarding what is known about SLCN amongst learners. The case is then presented for the use of conversation analysis (CA) as a tool to investigate the reality of RJ conferences in schools; in particular, how participants bring their communicative skills to bear on the task requirements of the conference. Discussion of findings is presented alongside the findings themselves, rather than in a separate chapter. This is because analysis of the data (which is the recorded material in the form of transcripts) not only describes the regularities of the way that talk is organised, but needs also to show how these regularities are methodically produced and orientated to by participants (Heritage, 1988). Therefore findings and discussion are inextricably bound and may be less accessible if presented separately. Finally, consideration is given to the implications of the research findings in terms of teacher and pupil skill set, as well as relevance to EP practice and pointers for future research.

## **Chapter 2: Literature Review**

### **2.0 Introduction**

Much has been written in the literature about the relationship between speech and language difficulties and behavioural difficulties (for example; Snow & Powell, 2008; Ripley & Yuill, 2005; Bryan, 2004; Gilmour, Hill, Place & Skuse, 2004; Lindsey & Dockerell, 2012). There is growing awareness that many young people with an identified primary need in the area of emotional or behavioural difficulties may also have previously unidentified language and communication difficulties. Such difficulties may have played a significant role in the development or maintenance of problem behaviours (Clegg, Stackhouse, Finch, Murphy & Nicholls., 2009).

The body of research exploring relationships between behaviour and communication skills is vast, to the extent that it is beyond the scope of this literature review even to summarise it (the reader is directed instead to the thematic review by Lindsey & Dockerell 2012, which comprehensively draws together recent research in this area).

This literature review will therefore take a specific focus on the association between behavioural difficulties and language and communication needs within the context of restorative justice practices, which are increasingly being used in schools. This context is chosen because restorative justice is a highly verbalised intervention requiring considerable language and communication skills from those taking part, and one which is gathering increasing momentum in the UK and abroad.

This is not the first time that the paradigms of restorative justice and language competence have been brought together; Snow and Sanger (2011) used their review of the literature to argue that unidentified language impairment could have unintended adverse consequences in youth offending restorative justice settings for both offenders and victims. They stress the importance of advocating for young people with language impairment at the public policy making level as regards restorative justice, citing the particular importance of input from speech and language therapists.

This review will consider the history and the theoretical basis of restorative justice, in order to understand its increasing use in UK schools. The second part will focus on the

language and communication skills which are seen as particularly relevant to being able to participate in restorative justice processes, and the prevalence of such skills in young people with behavioural difficulties. Of particular interest is evidence that young people who find themselves involved in restorative justice processes are more likely to be compromised in terms of their language and communication skills than the general population (Snow & Powell, 2012), suggesting the possibility that restorative justice may be least effectual for the population who might have the most to gain from it.

A search of major electronic databases was conducted online including PsycINFO (1806 – week 37 2012), Scopus and Web of Knowledge. The following mesh headings were used: restorative; restorative justice; speech, language and communication difficulties; schools; special education; behaviour. Research journals of relevance to the work of educational psychologists (Educational Psychologist, Educational Psychology in Practice, Educational Psychology and Educational Psychology Review) were searched using variations of the above mesh headings. In addition, online searches were conducted using Google which combined the above terms.

However, because there is such a lack of consensus around terminology in each of the three areas in question: restorative justice; behaviour difficulties; speech, language and communication needs, the main method of research was in fact the pursuit of references from key texts in this particular field. A thematic approach was taken to reviewing those articles which corresponded to search criteria.

The review finishes by identifying gaps in what is known already and poses questions for future research.

## **2. 1 Restorative Justice**

### **2.1.1 What is Restorative Justice?**

Restorative justice practices in schools have their roots in the criminal justice system, where 'restorative justice' is the preferred term. Although a wide range of terms come under the restorative justice 'umbrella', the term 'restorative justice' remains the most widely understood and researched. However, because of its application in varying cultural and legal contexts, it can defy rigid definition;

*“It is an evolving concept that has given rise to different interpretations in different countries, one around which there is not always a perfect consensus”.*

(United Nations, 2006, p. 6)

Nevertheless, definitions for restorative justice abound. One of the most widely quoted definitions is from Marshall (1999):

*“Restorative justice is a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future.”*

(Marshall, 1999, p. 5)

A somewhat broader definition has been adopted by the Youth Justice Board in its national evaluation of the restorative justice in schools programme (Bitel, 2004), which places greater emphasis on the needs of the injured parties:

*“Restorative justice is a term which has recently emerged to refer to a range of informal justice practices designed to require offenders to take responsibility for their wrongdoing and to meet the needs of affected victims and communities.”*

(Strang, 2001, p. 2)

Van Ness (1997) describes restorative justice in a way which is perhaps more relevant to schools, in that it views transgressions as injury, rather than law-breaking, and sees the purpose of interventions as to heal rather than to punish. In this sense, restorative justice could be seen as part of a broader drive to build social capital in communities:

*“Its objective is the successful reintegration of both victim and offender as productive members of safe communities”*

(Van Ness 1997, p.2)

As the popularity of restorative justice has spread, those outside the criminal justice system have increasingly sought to adopt definitions which move away from courtroom language, to use terms with broader, less ‘legalistic’ applications. Therefore, the term ‘restorative’ is now applied to a range of processes, approaches, practices and encounters. A flavour of this is given from the following examples:

*“A restorative process is any process in which the victim and the offender and, where appropriate, any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator”.*

(United Nations 2006, p.6)

*“Approaches to justice, criminal sanctions and rehabilitation that attempt to incorporate either offender awareness of the harm they have caused, or offender efforts to pay back the community for that harm, without necessarily engaging in restorative justice or in any way repairing harm done to their own victims”*

(Sherman, Strang, & Newbury-Birch, 2008, p. 5).

*“Restorative practice is a social science that studies how to build social capital and achieve social discipline through participatory learning and decision-making”*

(Watchel, 2012)

*“Restorative encounters represent reparative social exchanges between people embroiled in conflict”*

(Hayes, 2006, p. 6)

In the UK, the organisation which provides quality assurance and the ‘national voice’ for the field is the Restorative Justice Council, an independent, third sector membership body, which operates registers for trainers and practitioners. Their definition employs the term ‘restorative processes’, defined as those which:

*“... bring those harmed by crime or conflict, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward”*

(RJC website)

Clearly, the labels for restorative practices lack taxonomy at present. Table 1 aims to explain why the term ‘restorative approaches’ has been chosen for the purposes of this review, where its use in schools may be seen as part of a wider movement of building ‘social capital’ (Hanifan, 1920).



<b>Locating 'Restorative Justice' Within Similar Practices in Schools</b>		
<b>Restorative Approaches</b> : seeking to mend relationships following conflict		<b>Emotional Literacy</b> : values the affective state of the individual <ul style="list-style-type: none"> <li>• Circle time</li> <li>• Solution focussed approaches</li> <li>• Person centred planning</li> <li>• 'No blame' approaches</li> <li>• Peer mediation</li> <li>• Non-violent communication</li> <li>• Counselling opportunities</li> </ul>
<b>Restorative Practices / Processes:</b> Can have a preventative function	<b>Restorative Justice:</b> 'reactive' (Watchel 2012)	
↓ Restorative conversations (affective questions and statements)  ↓ Restorative enquiry  ↓ Restorative mediation  ↓ Restorative conferences  Victim and 'perpetrator' may be brought together  Any reparation may not involve the victim directly	          'Victim' (personal, collective or indirect) has direct input in deciding what the reparation should be (YJB 2004)	

Table 1: Building social capital in school

Clearly such variation in terminology is problematic when trying to analyse evidence about the effects of restorative interventions (Wilcox & Hoyle, 2004, Sherman, Strang, & Newbury-Birch, 2008). A second problem of terminology when focusing on restorative practices is how to refer to those involved. In the criminal justice system, the terms 'victim' and 'perpetrator' are used. However, many in the education system would consider these terms as too value-laden, and often representing an over-simplification of circumstances. Schools have been keen to shed some of the terminology which is seen as courtroom based, such as 'victim', 'offender' or 'perpetrator', preferring to talk about 'fairness' and referring to participants as 'harmer' or 'harmed' (Skinns, Du Rose & Hough, 2009). This echoes findings of the national evaluation of the use of restorative justice in schools, (Bitel, 2004) which resulted in a specific recommendation that the terminology is made more education-friendly (p.71)

### **2.1.2 What makes an approach 'restorative'?**

Restorative justice approaches are often described through contrast to more traditional approaches, labelled as 'punitive', 'retributive' or 'adversarial'. For example;

*Adversarial (blame) approach:*

*"What happened, who is to blame, what punishment or sanction is needed?"*

*Restorative approach:*

*"What happened, what harm has resulted and what needs to happen to make things right?"*

(O'Connell, 2004)

Restorative approaches therefore address conflict in ways which move beyond punitive measures as the driving force. Such approaches offer an organised way of bringing the victim and the perpetrator together to look at ways of putting things right. Positive outcomes for the victim include the possibility of reducing fear of further victimisation, and significantly reducing the desire for revenge. (Umbreit & Roberts, 1996). Useful outcomes for the perpetrator can include the chance to acknowledge the effects of his or her actions and to make amends.

The most common types of restorative approaches used in schools include 'mediation' and 'conferencing' (see Table 1). Following a dispute, impartial mediators work with those involved to find an outcome which will be satisfactory to all parties. They do not decide the terms of the agreement, although they can help clarify options for repairing harm.

The mediation process usually follows a clear order. This might consist of identifying the problem; exploring options; thinking about risks and benefits of likely outcomes; making a plan of action; reviewing and evaluating (at a later stage), acknowledging that progress has been made, even if not a complete solution, and finally identifying how things might be done differently in future (Watchel, 2012).

Conferencing is an arrangement whereby additional supporters or outside agencies are brought in to help address any power imbalances between the victim and the offender. Although the sequence of steps is very similar to that of mediation, conferencing tends to be used for more serious cases (Watchel, 2012). In this way an approach which is

truly 'restorative' has the potential to move beyond the 'righting of a wrong', to building social capital in the form of increasing social understanding and empathy amongst participants.

### **2.1.3 Theoretical basis for restorative justice**

A key idea behind the effectiveness of restorative justice is 'neutralization theory' (Sykes & Matza, 1957) which offers a way of explaining the effectiveness of restorative processes, whereby bringing the perpetrator and victim together makes it harder for individuals to deny (or 'neutralize') the harmful effects of their actions upon victims.

The work of Braithwaite (1989, 2002) synthesises neutralisation theory and other traditional sociological explanations of crime to explain and prevent the patterns of offending seen in modern society. His work has been very influential in shaping the thinking behind the use of restorative approaches in modern settings. Braithwaite's theory of reintegrative shaming (Braithwaite, 1989) has been seen as particularly important in placing emphasis on the behaviour, rather than the person. Braithwaite suggests that the perpetrator is able to commit the transgression because he or she does not anticipate experiencing shame through the response of the community; the individual does not perceive any effect from the violation of community norms. Braithwaite advocates reconnecting the transgressor with the experience of shame, however, in such a way that the shaming experience is *reintegrative*, rather than *disintegrative*, that is to say, it offers a way to bring the perpetrator back into the community, rather than isolating him or her further. Clearly such aims are relevant to schools, particularly in terms of preventing exclusions and to help build a cohesive community.

However, McCluskey et al., (2008) argue vigorously against the construct of shame being used to underpin restorative approaches in schools. They see it as relying too strongly on 'within person' factors which do not reflect the complexity of social structures in schools and other parts of society. They argue that it does not consider, for example, the strong association between reported crime and poverty, drug use, alcohol and mental health issues.

*"By focusing on the individual pathology of a wrongdoer and without questioning how a person comes to be identified as 'having wronged' or 'being wronged',*

*restorative justice cannot fully respond to essential questions of power, class and gender.” (p.206)*

They advocate a theoretical framework for the use of restorative approaches in schools which draws on a humanistic and person-centred perspective, combined with a strong sociological understanding of the complexities of schooling (p.212).

Sherman, Strang & Newbury-Birch, (2008) emphasise ‘networks of interdependency’ (Braithwaite, 1989) to explain why restorative approaches can work in social units, such as schools. They draw on two behaviourist theories to explain why restorative justice might work; the ‘deterrent effect’ whereby it is more painful to have to listen to the effect on one’s crime on another person, than to undertake a punishment (Woolf, 2008) and that empathy for another person’s suffering might lead to an aversive association to causing harm in the future (Strang, 2002). Both theories are underpinned by the assumption that both ‘harmers’ and ‘harmed’ have adequate skills in empathy and social understanding.

Sherman’s own Theory of Defiance (Sherman, 1993) also offers a perspective on why restorative approaches might work; he suggests that when punishment is perceived as unjust, or excessive, as may happen when imposed by a third party, the transgressor will experience unacknowledged shame or defiant pride which can lead to further crime. Hopkins (2004) uses defiance theory to describe how the ‘need’ for punishment is underpinned by three assumptions which on closer inspection cannot always be said to be true. They are; that the wrongdoer deserved to be punished; punishment is likely to lead to a change in behaviour and the threat of punishment puts other people off wrongdoing.

Sherman suggests that crime could be reduced by placing an overt emphasis on fairness and respect, as with RJ approaches. This is also consistent with Tyler’s description of ‘procedural justice’ (Tyler, 1990) which suggests that when people perceive that a justice process is fair, they feel stronger identification with the community, leading to more positive types of engagement. This need for processes to be fair, and to be seen to be fair, seems to be the bedrock of RJP, and chimes strongly with the priority routinely given by young people to the need to be treated ‘fairly’.

#### **2.1.4 A brief history of restorative approaches**

Restorative approaches have arrived in school via the criminal justice system, prior to which they were strongly associated with indigenous peace-keeping practices. Such practices are described as having been in use for generations amongst different indigenous communities around the world. Their use by Maori, Aboriginal and Native American communities has been particularly well documented (Cowie & Jennifer, 2007). Such practices are seen as having been particularly useful in addressing the complexity of dealing with transgressions within communities, where it would not be practical or desirable to simply send the perpetrator away, and where the desired outcome is the restoration of relationships. Such considerations have obvious parallels with the needs of school communities.

However, some writers sound a note of caution against accounts which encourage the view that restorative approaches have been a dominant force in history and must therefore represent a more 'natural' way of addressing transgressions; Kelly (2004) points to the research (for example, Sylvester, 2003, Bottoms, 2003) which suggests that a range of highly retributive practices have always been used alongside restorative ones. Sylvester and Kelly criticise what they see as the selective use of anthropological literature to 'push' the restorative justice agenda as a 'panacean paradigm' of criminal justice. This is relevant because it sounds a well-researched note of caution against considering restorative approaches as a stand-alone remedy to behaviour problems in schools.

The restorative justice movement gained momentum in the modern world following the establishment of the Victim-Offender Reconciliation Project (VORP) in Canada, 1975. An important development was the introduction of Family Group Conferencing (FGC) in New Zealand from 1990, which recognised the significance of the family and community to support the perpetrator; From this followed Restorative Conferencing, established in New South Wales from 1993, which was informed by FGC but incorporated the psychological theory of 're-integrative shaming' (Braithwaite, 1989, see previous section). This seems to have marked the beginning of the expansion of restorative justice in the Western world.

Access to restorative justice has been an entitlement for young offenders since the 1998 Crime and Disorder Act, which created Youth Offending Teams (YOTs). Reparation was enshrined as a key principle of the work of the YOTs, however, only

about 20% of reparation involves direct liaison with victims (Dignan, 2002), with the rest utilising 'community activities', which may not involve direct interaction with those affected. This entitlement was further strengthened by the 1999 Youth Justice and Criminal Evidence Act, which led to most young people who plead guilty at a first appearance being given a referral order, which involves restorative processes similar to the FGC.

Restorative approaches are often used as an opportunity for learning about relationships and experiencing personal growth. Therefore its application in schools is highly relevant, because it resonates with aims around building social capital in schools, that is to say, encouraging the development of social interaction skills, including language, communication and empathy, at a time when the UK economy is increasingly service-driven (Learning & Skills Council, 2006), and levels of competency in such skills are required to be higher than ever before. In this sense restorative approaches in schools are not confined to the notion of 'discipline', but are starting to make links with pastoral care and student support (Drewery & Winslade, 2003) and may therefore be seen as part of the development of social capital in schools.

Hopkins (2002, 2004) has written extensively about the use of restorative approaches in schools. She describes how restorative approaches can be used to address a range of transgressions, not just those at the level which would constitute a crime, but in any situation where there is a recognition that rights have been infringed resulting in harm to one or more people.

### **2.1.5 The effectiveness of restorative approaches in schools**

It has already been shown that the notion of 'restorative justice' encompasses a very broad range of practices. Problems with terminology relating to issues of 'purity' of practice (that is to say, what is 'truly' restorative) have made it hard to conduct rigorous evaluations of the effectiveness of restorative approaches. Nevertheless, debate seems to centre on the *degree* to which it is effective, rather than *whether* it is effective. Indeed restorative approaches have been so warmly embraced over the last two decades, that there is now a widely held view, encapsulated by Hopkins (2004) that "practitioners and policy makers should not be asking the question 'Does this work?' but 'How do we make this work here?'" (p.15)

The work of Bitel (2004) remains the most comprehensive evaluation of the use of restorative justice in UK schools. It looked at the effects of a range of interventions in nine local YOTs working across 26 schools (20 secondary and 6 primary) focusing specifically on victimisation, bullying and robbery. It also looked at user satisfaction and any possible effects of restorative approaches on reducing exclusions. It found that 92% of restorative conferences resulted in successful agreements being made between the parties, even in cases of long-term disputes (as evidenced by the fact that at a three month follow-up, only 4% of the agreements had been broken). Of pupils who participated in conferences, it found that 89% were 'satisfied' and 93% thought the process was fair and that justice had been achieved. Clearly then, the opportunity to take part in restorative processes are generally perceived positively by young people.

There is much evidence to suggest that restorative approaches leave participants feeling that they have been treated 'fairly' (Bitel, 2004; Skinns et al. 2009; Snow & Sanger, 2011), and this may be because of the opportunities provided for active participation (Hayes, 2005). International research also indicates that restorative justice approaches are perceived as procedurally fair (such as the Reintegrative Shaming Experiments (RISE) and the South Australian Juvenile Justice (SAJJ) projects). However, if the aims of restorative approaches seek to go beyond simply providing an experience of 'fairness' to more complex but ultimately meaningful aims of reconciliation and repair (Hayes, 2006), then there is some evidence that these aims are achieved less than half the time (findings from the RISE project, described in Hayes, 2006).

A significant finding of the the three month follow-up of Bitel's (2004) study was that even though only 14% of staff felt that restorative approaches had improved behaviour, the approaches were nevertheless valued as offering a new way to deal with longstanding, intractable problems. The evaluation did not find enough evidence to comment on the effectiveness of restorative interventions in reducing exclusions; however, it is important to note that there was no indication of how frequently RJ approaches had been used, or to what extent they had been applied systemically, rather than opportunistically. These results are consistent with Sherman et al.'s (2008) findings which suggest that theories about restorative justice are correct in predicting that the victim feels better when restorative approaches are used, but that there is less evidence that the theories are correct in predicting that restorative approaches reduce recidivism.

The literature consistently indicates that the effectiveness of any type of restorative initiative in schools is dependent upon adopting a whole-school approach (Hopkins, 2002, 2004, Skinns et. al 2009, YJB 2004). It should also be fully supported and led by the head teacher, (Bitel et al., 2001) and involve the development of a positive school ethos and the teaching of a specific skill set to all pupils as part of ordinary classroom learning. Overall, the National Evaluation indicated that correct implementation of restorative approaches in schools can improve the school environment and enhance the learning and development of young people (p.68). More recently, Skinns et al. (2009) evaluated the effects of implementing restorative approaches in four schools in the south of Bristol and despite variable approaches to implementation the findings showed that these approaches could help pupils empathise with one another and take greater responsibility for their own actions, as well as improve communication and improve pupil-staff and pupil-pupil relationships. However, both evaluations warn specifically against seeing restorative approaches as a 'panacea' for behavioural difficulties in schools.

As mentioned at the beginning of this section, much of the literature on restorative approaches begins with clear comparisons between restorative and retributive justice which present a very stark 'good / bad' contrast. However, there is a small community of researchers (Hayes, 2006, Snow & Powell, 2008, Snow & Sanger, 2011, Snow, 2013) who suggest that there may indeed be circumstances under which restorative approaches, despite the best intentions, produce negative effects for participants. In consideration of the ideals of restorative approaches, which have at their heart the need for admission of guilt and apology from the perpetrator, and ideally forgiveness from the 'harmed', Hayes (2006) reminds us that many young people do not possess the moral maturity to engage in the type of discursive encounters that require them to be 'morally naked', 'defenceless and completely blameworthy' (Tavuchis, 1991). Snow (2013) urges consideration of the oral language demands placed on the perpetrator, and what the implications for the victim might be "if the perpetrator cannot deliver on the considerable verbal demands of the conference" (p.20). This balance is important because a process cannot be considered truly 'restorative' if the needs of the victim are prioritised without due consideration to the needs of the perpetrator (Snow & Sanger, 2011).



### **2.1.6 Summary**

Restorative approaches have become an established part of youth justice proceedings over the last twenty years. Such approaches are seen as having deep cultural roots and as representing a more natural, humane and constructive way of dealing with conflict than 'punitive' justice. Restorative approaches are almost universally seen as positive, largely because research has shown that they are usually perceived as fair by both 'victim' and 'perpetrator'. They are also valued because they represent a way of dealing with conflict which offers opportunities for personal growth and greater identification with the community, rather than guilt and alienation. In this way they can be seen as an important tool for building social capital in communities, particularly schools. The next section will examine the skills which are brought to bear in the use of restorative approaches, particularly language and communication skills and the ability to empathise with other people.

## **2.2 Restorative approaches: Language and communication considerations**

### **2.2.1 Language and communication needs: Terminology**

There is a significant body of research indicating that young people who get into trouble, whether offending or being excluded from school, are more likely to have language difficulties than the general population. (Ripley & Yuill, 2005, Snow & Powell, 2008, Clegg et al., 2009). Therefore it is appropriate to look at the significance of language difficulties in the context of restorative approaches, which are highly verbalised interventions and therefore may assume a certain skill set amongst those taking part.

There is an enormous number of labels in use to describe various types of language difficulty, and a lack of consensus about the boundaries of each. This reflects the significant complexity of the cognitive, physiological and emotional processes that underpin language development in children, and presents something of a problem to researchers.

Some of the more commonly used terms in the research include; 'specific language impairment' (SLI), or 'language impairment' (LI) which is when a child has delayed or disordered language development for no apparent reason (Bishop & Norbury, 2008); and 'developmental language disorder' (DLD) which is a predominance of language

problems, excluding hearing loss, intellectual impairment, obvious neurological disorders, autism and orofacial abnormalities (WHO, 1992).

Broader terms are also in use for application to a range of difficulties affecting communication. For example, the construct of ‘oral language competence’ refers to a set of auditory–verbal (listening and talking) skills that is usually acquired in a steady developmental trajectory from birth onwards (Snow & Powell, 2012). ‘Oral language abilities’ are those by which one can “express one’s ideas, thoughts and needs verbally, as well as [having] the ability to process and understand what others say – very often on a non-literal level” (Snow & Powell, 2004, p.221)

In UK schools, language difficulties are most commonly referred to using the broad term ‘speech, language and communication needs’ (SLCN), which was recognised as a classification of special education need under the 1996 Code of Practice. Skills involved in the three areas of speech, language and communication are defined by the Communication Trust ([www.thecommunicationtrust.org](http://www.thecommunicationtrust.org)) as follows (Table 2)

:

<b>Speech</b> Speech sounds, tone of voice, speed and fluency	<b>Language</b> Talking and understanding	<b>Communication</b> How we interact with others
<p>Speaking clearly and fluently without too many hesitations</p> <p>Speaking with a clear voice, using pitch, tone, volume and intonation to express meaning</p> <p>Using speech to clearly convey an argument or message</p>	<p>Having a range of appropriate vocabulary to support subject specific learning</p> <p>Having organised sentences and narratives to demonstrate understanding and express views</p> <p>Understanding instructions from teaching staff</p> <p>Having emotional language to support emotional literacy</p> <p>Using verbal reasoning to analyse information and learning</p>	<p>Knowing how to adapt communication style to suit the situation and audience</p> <p>Following non verbal rules of communication, listening, taking conversational turns</p> <p>Using language to persuade, negotiate, predict and account for consequences</p> <p>Using language to enable conflict resolution and collaboration</p> <p>Using augmentative and alternative forms of communication where words are difficult</p>

Table 2: Skills involved in the areas of speech, language and communication

In summary, children with SLCN may have problems across a range of areas affecting the production or comprehension of spoken language, the using or processing of speech sounds, or with understanding and using language in their interactions with other people.

Although no longer used in the new Code of Practice (2014), the term 'speech, language and communication needs' (SLCN) will be used for the purpose of this review, because of its widespread use in educational settings and because of its explicit reference to the need for social understanding in order to be a fully effective communicator (as indicated in the third column of Table 2.). Also, it is the term most widely used by the educational research in this area to date.

It is important to note that the use of any one label to describe such a broad and expansive area of need is coming under increasing scrutiny, because it ignores inconsistent assessment practices across locations, and different thresholds at which difficulties are deemed to become significant. It is also highly problematic to disembed language and communication difficulties from complex issues including socio-economic deprivation, whereby any assessment scores may reflect an impoverished learning environment rather than language difficulties per se (Clegg et al. 2009)

In their response to the Bercow Review (Bercow, 2008) the Better Communication Research Programme (Dockerell, Ricketts, & Lindsay, 2012) argued that rather than using 'SLCN' as a diagnostic category, it would be more useful and relevant to establish a profile of difficulties in individual pupils, which can be used to target interventions and monitor progress over time.

### **2.2.2 Speech, language and communication needs: Current considerations**

In view of the complexity of the language and communication skills required to take part in restorative approaches, it is worth looking at the national picture as regards current levels of SLCN. The most significant contribution in recent times has been through the work of the Bercow Review (Bercow, 2008), including the creation of a national Communication Council and the two year appointment of a Communications Champion. The Tickell Review (2011) of the early years foundation stage has also helped to raise the profile nationally of SLCN in the early years.

Bercow (2008) found that services for children and young people with SLCN were highly variable across England, and that parental concerns about provision for their

children were widespread, indeed, 77% of parents of children with SLCN felt they hadn't received support when they needed it. The review made forty recommendations and strongly advocated that the profile and understanding of SLCN be raised not only amongst those working with children, but also amongst policy makers.

The Communication Champion commissioned an online survey of 1,015 parents of children aged 0 -7, between December 2009 and December 2011. Findings (Gross, 2011) indicate that 17% of parents felt their child had experienced difficulty learning to talk and understand speech (there was no change in this percentage figure over the two year period). The number of parents who were offered help rose from 18% to 23% over the two year period, however, 28% reported in 2011 that they had had to fight for this help, compared to 18% in 2009 suggesting an increasing scarcity of resources. Gross also cites a 58% growth between 2006 and 2011 in the number of school-age children with SLCN as their primary special need.

A study by Ofsted (2007) of 144 foundation stage settings found that approximately one third of these settings reported that speaking and listening levels were below expectations for age, although high levels of English as an additional language and high levels of mobility in those communities were also identified. The Tickell Review (Tickell, 2011) emphasised the profile of SLCN further by emphasising communication and language as one of three prime areas of learning and development in the early years, and proposed that all children should have a joint health and education check between 24 and 30 months, to ensure that SCLN are identified early. Gross (2011) observes that it is ironic that improved implementation of developmental checks has, in some areas, nearly doubled the amount of referrals to speech and language therapists at a time when cuts to services have led to long waiting lists and higher thresholds of need in order to access services.

Increasingly, funding arrangements in schools mean that support services are 'traded', whereby access to specialist services for many young people increasingly depends on the particular package that their school has 'bought in'. In view of this, Gross (2011) advocates a 3 wave model of support for children with SLCN, as well as an emphasis on the importance of classroom teaching to meet these needs, with contextual support for SLCN targets, rather than relying on the currently popular approach of 1:1 support or small group withdrawal with teaching assistants. Such an 'embedded' approach to meeting SLCN may help reduce reliance on outside, specialist services which may not be available to all on a needs-led basis.

Awareness of the need for schools to meet SLCN routinely and systemically is also reflected in a recently revised OFSTED inspection framework for schools, which specifically examines 'how well teaching enables pupils to develop skills in... communication' (Ofsted, 2011, p. 52) and new professional standards for teachers which include the requirement to promote 'articulacy' (DfE, 2012, p. 7).

### **2.2.3 Early language and the development of the 'inner voice'**

This review is looking specifically at how speech, language and communication skills facilitate access to restorative approaches, thereby enabling reconciliation and repair following situations of interpersonal conflict. In this respect, language skills are being considered in terms of how well they allow the user to tell their story, which requires an ability to draw on their 'inner world' of thoughts and feelings, and accurately to communicate these to other people.

There is a well-established idea from cognitive psychology and linguistics that thoughts are represented by an 'inner language'. Fodor's 'language of thought hypothesis' (Fodor, 1975) suggests that thought follows the same rules as language; requiring syntactic structure and appropriate semantics. However, other thinkers suggest that thought operates pre-linguistically, as explained for example by the fact that it is possible to have two different interpretations of the same phrase (Pinker, 1994), or findings that babies have thoughts at a pre-linguistic level, including the ability to think about the mental states of others (Onishi & Baillargeon, 2005). According to this view, thought is seen as operating on a more sensory, abstract level, sometimes described as 'mentalese'. Whichever view is taken, the importance of language as the vehicle for communicating thought to another person is undeniable.

There is also an established idea that children learn to regulate their behaviour through the medium of language; what starts as an external process, thinking out loud, or 'self-talk', gradually becomes subsumed into the child's inner world as an internalised, mental process for self-regulation. (Vygotsky, 1962, Luria, 1961). Thus impulse control becomes easier as language emerges, which is from around two years onwards in the typically developing child. At this stage children gain greater understanding of rule systems and expectations, and are able to use language to help them inhibit impulses to break rules, and in this way self-control is facilitated. Most children have achieved rudimentary impulse control through the use of internalised language by the end of

their pre-school years, which has been described as “one of the really central and significant cognitive-developmental hallmarks of the early childhood period” (Flavell, 1977, p. 64) . Children who are not at this stage by the start of their reception year will have great difficulty complying with basic classroom expectations and are likely already to be at risk of having their difficulties framed as ‘behavioural’.

What is important is that children are enabled to develop internalised, mental processes which can be used to develop self-regulation. Approximately half of children with identified language difficulties at an early age will close the gap as they get older (Spencer, Clegg, Stackhouse & Leicester, 2006). Others, particularly in areas of deprivation, continue to have limited language skills as they progress through school although increasingly they would not necessarily qualify for specialist interventions.

#### **2.2.4 Narrative discourse ability**

‘Narrative discourse ability’ may be described as the ability of a speaker to tell a story (Snow & Powell, 2004), and it is suggested that this is a key skill required of anyone entering into a restorative justice process. Key questions which are posed by restorative approaches, and which require a narrative response, include ‘What happened, what harm has resulted and what needs to happen to make things right?’ (O’Connell, 2004). Narrative discourse ability has a pivotal role not only in the development of story-telling ability, but also in the development of literacy and socialisation (McCabe, 1996). Difficulties with story-telling have been correlated with behavioural, emotional and social difficulties (BESD) in eight year olds (Lindsey & Dockerell, 2000).

According to Stein & Glenn (1979) the retelling of any story always follows a pattern, known as ‘story grammar’. When children know the ‘rules’ of how stories are structured, they are more easily able to remember important details (Mandler & Johnson, 1977). Story grammar may be described as a framework of elements that helps to organize oral and written narratives so that information may be stored and easily retrieved. The ‘elements’ of story grammar include; character; initiating event; internal response; attempt; consequence and reaction.

Mandler & Goodman (1982) found strong psychological validity of story structure by testing the hypothesis that, if people’s knowledge about stories reflects such a grammar, then any deviation from such ‘rules’ should affect their processing speed when reading stories. Their findings suggest that most people have internalised an

understanding of 'story grammar' which may be at the subconscious level, and that they draw on this during processing, even though they may not be consciously aware of doing so. Story grammar may therefore provide a useful framework for thinking about the narrative skills young people need in order to describe what happened and to whom during restorative processes.

### **2.2.5 Conversational repair**

Another skill required for any interactive story-telling process is that of 'conversational repair', which refers to the ability of participants to recognise when a misunderstanding has taken place and to go about rectifying this (Zahn, 1984, Nippold, 2000). It has been called a form of 'alignment talk' (Zahn, *ibid*), as well as a 'self-righting mechanism for the organisation of language use in social interaction' (Schlegoff et al., 1977). This complex skill helps to sustain social interaction by allowing those involved to deal effectively with communication problems as and when they arise.

Schlegoff, Jefferson and Sacks (1977) examined repair through the sequential organisation of conversation with an emphasis on turn-taking, and found that self-repair, that is, repair of the mistake by the person who is speaking, is significantly more common than 'other' repair in general conversation. A notable exception to this pattern was found in adult-child interactions, particularly those between parent and child. The authors noted that this may be a function of competency, rather than age, which led them to suggest that other-initiated repair could serve as a vehicle for socialisation; guiding and encouraging speakers towards a level of competence in conversation whereby self-monitoring and self-correction are routine.

Zahn (1984) warns against emphasising a structural account of conversation processes at the expense of its content and social aspects (p.64). He emphasises the importance of the content and function of individual utterances, and suggests that, through over-emphasis on the sequence of turns in conversation, Schlegoff et al. (1977) did not adequately acknowledge the significance of the content and function of individual utterances, and ignored relational contexts, such as whether those involved had met or spoken previously, as well as the role of feelings of uncertainty or interactional goals and strategies.

Consideration of 'conversational repair' allows for an insight into the true complexity of everyday social conversations, which routinely draw on a range of skills to do with both verbal and non-verbal communication, and social understanding. Such a skill is clearly

of key importance when retelling a narrative, such as in a restorative justice conference situation, in order to deal both with requests for clarification and also to check the understanding of the listener, and in so doing to correct or prevent misunderstandings. Zahn (1984, p.65) observes that conversational repair also serves the crucial function of maintaining collaboration and consensus during interaction, by ensuring that participants perceive conversational contributions as truthful and relevant.

### **2.2.6 The development of social understanding**

Truly effective, interactive communication ability is underpinned by the skill of empathy. Empathy is generally seen as the ability to take someone else's perspective, or 'to walk in another person's shoes', requiring both affective and cognitive understanding, as well as the ability to communicate this understanding to someone else. Empathy is widely seen as a key attribute of a successful learner (Garton, Gringart, & Cowan, 2005). However, children with language difficulties find it hard to infer other people's affective states (Ford & Milosky, 2008).

Empathy is closely linked to the concept of 'theory of mind', described as "being able to infer the full range of mental states (beliefs, desires, intentions, imagination, emotions, et cetera) that cause action" and being "able to reflect on the contents of one's own and other's minds." (Baron-Cohen, 2001, p. 174). Empathy, however, goes beyond mere inference and implies a "reaction to the observed experiences of another" (Davis M. , 1983, p. 113)

The term 'social understanding' is broader than 'theory of mind' and more commonly used in educational settings. Whereas 'theory of mind' is often thought of as a developmental milestone, which has either been acquired or not (usually between the ages of 3 and 4) 'social understanding' occurs on a continuum relating to how children talk, think, feel and interact with others, and involves skills which grow and develop throughout the lifespan. That is not to say that 'theory of mind' does not undergo refinement as part of the maturation process; Chandler (1988) describes how children in middle childhood can move from holding a 'copy' theory of mind, whereby beliefs are a 'copy' of reality, to one which is 'interpretive', that is to say, the child is starting to understand that people can hold different beliefs about the same event. This paves the way for a more complex, richer understanding of the implications of ambiguous situations, including appreciation of humour.



Carpendale & Lewis (2006) point out that the skills involved in social understanding and language are extremely complex, and examining the correlation between them is difficult. However, their review of the literature leads them to conclude that language ability facilitates the development of social understanding (p.167) and not the other way round, as demonstrated by findings that early acquisition of false belief understanding has not been associated with more advanced language development later on (Astington & Jenkins, 1999).

Meins, (1997), emphasises the importance of 'mindmindedness' during interaction with infants to help develop social understanding. This approach consists of treating infants as individuals with their own thoughts, feelings and perspectives, rather than as 'units' who only require the meeting of their physical needs. According to Meins, infants who have experienced high levels of mindmindedness go on to develop greater understanding of false beliefs, and understanding that emotions depend on beliefs.

Some researchers have focused in particular on children's abilities to use psychological state words, as indicators of cognitive and social development. Lee & Rescorla, (2002), looked at 31 three year olds with delayed expressive language and 21 age matched controls, and found that the children's use of psychological state words and other cognitive terms correlated significantly with measures of language ability. The degree to which they use these terms was linked to their carer's use of psychological rather than physiological state terms. They hypothesised that the delay in the emergence of psychological state words, particularly cognitive terms such as *think* and *know*, may affect other aspects of the child's cognitive and social development.

It appears that early, sustained exposure to 'mental state' language predicts social understanding at a later date. Hughes (2011) quotes a study by de Rosnay and Harris (2005) which demonstrated that mothers' talk about inner states predicted their children's understanding of emotions, even when attachment status was controlled. This provides good grounds for encouraging the widespread use of 'mental state' language in pre-school and nursery settings, such as is used in the technique of 'wondering aloud' (Bomber, 2007). However, Hughes (2011) highlights that in order to maximise positive effects, it is important to go beyond simply counting the number of maternal references to mental states, to look more closely at how maternal talk scaffolds children's awareness of mental states.

Carpendale & Lewis (2006) also caution against a tally of 'mental state' terms as a way of measuring children's understanding, as part of a more general reminder about the complexities of language. They postulate two salient approaches to thinking about language; the psycholinguistic approach which looks at how words 'map onto the world' (p.182), such that word learning is a 'problem of reference', and the 'social pragmatic view of language, which considers 'the meanings of words as tied up with the purposes for which they are used'. They conclude how language development in small children illustrates that language and social understanding are much more complex than either of the above approaches suggest, and it is perhaps most helpful to think about them as different aspects of the same thing.

### **2.2.7 The importance of social understanding**

What is clear is that once children are able to discuss psychological states, usually by age three in the typically developing child, they are greatly advantaged by having access to a better understanding of the motivating factors in human behaviour, and can progressively build on this (Carpendale & Lewis 2006).

Hughes (2011) quotes findings from the Cambridge Toddlers Up study which show that good social understanding is positively related to prosocial behaviour and inversely related to problems of disruptive behaviour, providing further evidence that those who perpetrate transgressions and find themselves in restorative processes are likely to have weaker social understanding. Toddlers Up also showed that, even with effects of verbal ability controlled, children who performed poorly on a test of emotion understanding were also more likely to say "don't know" or give unclear responses to questions about life at school. This is interesting because minimal responses tend to be attributed to social or motivational factors rather than language competence (Snow & Powell 2004). This can contribute to a perceived lack of authenticity in restorative processes, for example, when a young person is required to produce a credible apology.

In one of the key findings of their thematic report, Lindsey & Dockerell (2012) identify that, overall, the main area of difficulty for children with both language and behavioural difficulties is the development of successful peer relationships, which normally provide opportunities to develop prosocial behaviour. The absence of such relationships increases the risk of developing emotional difficulties. Significantly, Lindsey & Dockerell (ibid) conclude that pupils with SLCN were more likely to have significant

peer problems and emotional difficulties and less developed prosocial behaviour than the general population of the same age.

Impaired social cognition may be seen as difficulties with understanding nuances of language and social communication; Ford & Milosky, (2003) found that inferencing errors made by children with language impairment in the early stages of social processing may contribute to the social difficulties often experienced by this group. Lindsey & Dockerell (2000) found that impaired structural language (grammar and vocabulary) was not related to the development of BESD.

### **2.2.8 Pragmatic language difficulties**

Some studies have focused specifically on the role of pragmatic language difficulties in behaviour. Pragmatic language skills are those which enable understanding of the meaning of language, including different nuances of language. Pragmatic language difficulties are often associated with deficits in autism, and while the needs of children with autism are beyond the focus of this review, examination of pragmatic language skills is relevant because they may be implicated in there being lack of social understanding which can underpin behavioural difficulties (St. Clair et al., 2011).

Gilmour et al. (2004) surveyed 142 children who had a predominant diagnosis of autism (n=87) or conduct disorder (n=55) along with 60 typically developing children. Based on reports from parents and teachers using Bishop's (1998) Children's Communication Checklist (which distinguishes between specific language impairment and pragmatic language difficulties), they found that two thirds of those with conduct disorders had pragmatic language impairments, as well as other behavioural characteristics, which were similar in nature and degree to children on the autism spectrum. Amongst their conclusions was the recommendation that the management of many disruptive children should include as a priority, measures to improve their social and communicative skills. This study also highlights the point that pragmatic language abilities may give rise to behaviours which can be mistaken for autism.

Mackie & Law (2010) looked at what explanations there might be for associations between pragmatic language difficulties and emotional / behaviour difficulties. Having found that from a sample of seventeen children aged between 7 and 11, whose behaviour had been identified from educational psychology caseloads as causing concern, 94% had difficulties with either pragmatic language, structural language or

word decoding. (Interestingly structural language difficulties did not occur on their own.) Whilst acknowledging limitations of small sample size, they concluded that language difficulties in themselves may play less of a role in the incidence of emotional and behavioural difficulties than pragmatic language, word-decoding ability and low maternal education, which has previously been acknowledged as a predictor of language development (Hughes, 2011).

### **2.2.9 The linguistic demands of shame, remorse and apology**

The expression of remorse can be seen as a key component of the restorative 'dynamic':

*"When victims do not observe remorse, they are likely to sustain further emotional injuries, feel worse for having met offenders, or be 'revictimised' as offenders deny injury and minimize harm.... Indeed, some have noted that a sincere apology is more important to victims than material restitution"*

(Hayes, 2006, p. 373).

There may be neuropsychological reasons as to why this is so. Sherman et al. (2008) describe an interpretation of Arendt's (1958) hypothesis about vengeance, whereby the act of forgiveness releases the victim from previous desires for punishment and revenge. The trigger for this transformative process is the apology. Newberg, d'Aquili, Newberg & de Marici (2000) suggest that the process of forgiveness leads to neurological changes in the brain, involving greater uptake of serotonin, which can reduce the feelings of fear and anger which were caused by the original transgression. This in turn has the potential greatly to reduce post-traumatic stress symptoms. Clearly there are huge benefits for the victim if the perpetrator is able to formulate and communicate an acceptable form of apology, and the prerequisite for this seems to be remorse.

However, even assuming that remorse is present, constructing a clear apology is a complex and demanding process, whether or not the perpetrator has language and communication difficulties. Hayes draws on Tavuchis' (1991) theory of apology to highlight the importance of distinguishing between an 'apology' and an 'account'. A true apology is "a genuine display of regret and sorrow" whereas an 'account' is; "an excuse, defence, justification or explanation" (Tavuchis, 1991, p.19). Any type of restorative encounter is clearly more likely to be effective if the offender can

communicate an apology rather than an account, however, this would rely on that person being able to draw on a complex range of skills, involving both verbal and non-verbal types of communication, something that Hayes calls an 'exacting moral exercise' (p.375).

Hayes points out that there is something about having to account for what you did (in a restorative process) that encourages 'mitigating discourse' which, as previously mentioned, may be at odds with giving an apology. The 'account' serves to interrupt what Retzinger and Scheff (1996) describe as the 'core sequence' of apology-forgiveness, which can significantly undermine the restorative process. Hayes (ibid) suggests that when the organisers of a restorative process sense that there is 'discursive drift' into a mitigating account, they should gently move the offender's account back towards acknowledgement of harm, as a prerequisite for moving towards an apology, in order to fulfil the 'apology-forgiveness' sequence. This guidance would be equally applicable in school settings.

#### **2.2.10 SLCN: Links with attainment in school**

It is beyond the scope of this review to examine in detail how SLCN impact on learning, however, it is relevant to point out that underlying SLCN may contribute to poor behaviour over time by affecting attainment in school across a range of subjects, which can lead to disaffection. Language plays a role in complex problem solving (Baldo, et al., 2005) and in the acquisition of literacy (Nation & Snowling 2004). There is also some evidence that empathy is enforced throughout childhood when a child begins to identify with fictional characters (Hatcher & Nadeau, 1994), which supports the view that, in missing out on reading for pleasure, children also miss out on varied and nuanced source of information about the world, including human relationships ('the Matthew effect').

Snowling, Chipcase, Kaplan and Bishop, (2006) examined the link between language and communication difficulties and problems with attention and social interaction. They looked at 71 15 – 16 year olds with a pre-school history of SLCN, and compared them with age-matched controls. They found that if the language delay had been resolved by the age of five and a half, there was a much lower rate of attention and social difficulties than for those whose difficulties had persisted through the school years. Interestingly, these difficulties were associated with different profiles; the group with attention difficulties had a profile of specific expressive language difficulties, whereas

those with social difficulties were more likely to have receptive and expressive language problems. Those whose difficulties spanned both areas (social and to do with attention) had low IQ and global language difficulties. Given that difficulties with attention and social interaction can often come to be perceived as behavioural difficulties in the classroom context, this study provides a useful insight into the trajectory from early SLCN to later behavioural problems, as well as impetus to provide effective language interventions during the foundation stage.

As regards the relationship between non-verbal cognitive abilities and behaviour, the research evidence seems to be mixed. Some studies find no significant differences between BESD children and control groups in terms of their non-verbal cognitive abilities (Gilmour et al, 2004, Ripley & Yuill, 2005, Clegg et al. 2009, Mackie & Law, 2010). However, other studies have found that behavioural difficulties are more common among children with SLCN who also have low nonverbal ability (Benasich, Curtis & Tallal, 1993; Snowling et al., 2006).

#### **2.2.11 SLCN: Links with problem behaviour**

Snow and Powell (2011) have shown that as many as 50 – 60% of young male offenders have clinically significant levels of language impairment, which supports findings in other studies that rates of language and communication difficulties are very much higher in young offenders than in the general population (Bryan, 2004).

There are apparently no studies to date which look specifically at rates of language and communication difficulty in specialist BESD settings, however, Ripley and Yuill (2005) found that two thirds of their sample of nineteen boys (8 – 16 years of age) who had been excluded from school also had language difficulties, which may provide some indication of the percentage of children in BESD settings who are likely to have some degree of language impairment (as they too, presumably, have been excluded from school). In their review of previous data, Ripley and Yuill (2005) suggest that at primary age, behaviour problems are more closely associated with receptive language difficulties, but as the child gets older, difficulties with expressive language have a closer link. Their study found that excluded boys were significantly poorer than controls on expressive measures, but achieved similar scores for receptive language and non-verbal IQ.

Similarly, Clegg et al. (2009) found that two thirds of their sample of 15 children at risk of permanent exclusion had language difficulties, and of these, half were significant and severe. Unlike Ripley and Yuill (ibid), they found that language difficulties were of a mixed nature rather than predominantly expressive, however the studies dealt with different age groups. Interestingly, both studies found that a third of their sample had average or above average language abilities, and yet their behaviour problems were at the same level of severity as the pupils with language impairments. This demonstrates that it is important to avoid assuming simplistic causal links between language competence and behaviour (Law & Plunkett, 2009).

Such difficulties continue beyond school life. Some studies suggest that early language difficulties are linked not only to learning difficulties, but to mental health and employment outcomes in adulthood, which are not accounted for by other variables (Law, Rush, Schoon, & Parsons, 2009). Clegg, Mawhood and Rutter (2005) in their longitudinal study of seventeen men identified with severe receptive developmental language disorder in childhood, note that a receptive developmental language disorder involves, amongst other things, significant deficits in theory of mind, substantial social adaptation difficulties and increased risk of psychiatric disorder in adult life.

In view of the complexity of factors contributing to BESD, it is perhaps unsurprising that 52% of respondents during the recent stakeholder engagement phase of drafting the new Code of Practice felt that the current category of BESD is too broad to be helpful, because it places too much emphasis on poor behaviour and fails to identify underlying need (Imich, 2013). This reflects growing awareness of the importance of taking a holistic view of the child and actively seeking out underlying causes of presenting behaviours in each individual case, with a special emphasis on ascertaining whether the child is able to understand sufficiently what is being said to them, and to communicate their needs effectively, before identifying a primary need as 'behavioural'. It also shows awareness of the fact that, like SLCN, BESD is too broad a concept to be usefully described by one label (Lindsey & Dockerell, 2012)

### **2.2.12 Interventions**

There is growing awareness in the youth criminal justice system about the barriers many young people experience when taking part in verbally mediated interventions, such as restorative justice processes. For example, the Communication Trust has launched a campaign to education professionals about the 'hidden' nature of difficulties to do with language and communication, and seeks to offer practical suggestions and

resources to help address these difficulties. (See for example <http://www.sentencetrouble.info/>)

Hopkins (2011) has been working on fostering inclusive practices in RJ and has developed several exercises to help young people develop the language and skills which will help them engage not only with restorative practices, but with their peers more generally. This is a practice which she terms 'speaking restorative', and she likens the skills developed to those which are emphasised in emotional literacy, and may be seen as part of the wider movement of helping to build social capital in school.

In their systematic review of research which investigated the relationship between SLCN and EBD in children of primary school age (5–12 years), Law and Plunkett (2009) found evidence of positive effects of intervention on both communication and behavioural outcomes. They advocated the development of more interventions which address both domains. In particular they note that most of the research has been clinical in nature and it would be "of considerable value to develop and evaluate interventions which are directly applicable to the educational context" (p.3).

Law, Plunkett and Stringer (2011) asked to what extent it is possible to reduce behaviour difficulties through targeting the development of communication skills. They reviewed 19 studies including 148 primary school aged children, and found that all studies reported positive effects of intervention on both behaviour and communication. Their review does not attempt to explain the link between behaviour and communication, nor whether it is causal, describing it as extremely complex and multi-faceted, giving rise to many possible explanations. Given this highly complex relationship, which can involve a number of different factors (gender, IQ, socioeconomic background, developmental delay), the importance of highly individualised programmes is advocated.

Lindsey and Dockerell (2012) concluded that interventions for children and young people with SLCN and BESD should be planned taking into account their needs as a whole, involving the development of a profile of strengths and weaknesses for each child and young person to determine and implement an action plan that addresses the individual profile of needs; this should be monitored over time in order to accommodate changes in the individual profile over time.



### **2.2.13 Summary**

Restorative justice practices necessarily rely on participants being able to tell their story, as well as being able to acknowledge and cope with differences in perspectives. This involves a complex skill set which may not always be present in young people with behavioural difficulties, especially as this group has been found to have poorer language and communication skills than the population at large. Investigation of the literature suggests that a range of complex language and communication skills are required in order to participate in restorative justice processes including social understanding, empathy, narrative discourse ability, conversational repair, and a particularly demanding set of skills around the ability to express remorse. Awareness of the range of skills and personal investment required to participate in restorative justice approaches serves as a pertinent response to criticisms of it as a 'soft option' for the perpetrator.

### **2.3 Conclusions and implications of the literature review**

This chapter has sought to describe the current situation regarding the use of restorative approaches in schools, before reflecting on the speech, language and communication skills that young people need to have in order to participate successfully in such approaches. Restorative justice processes have been positively evaluated in schools, both in terms of their impact on behaviour, and in terms of how users feel about the process itself, which is widely described as being more 'fair' than other ('punitive') ways of managing conflict. When restorative approaches are embedded within a school, there may also be longer-term benefits in terms of building young people's 'social capital'. Previous research suggests that those children most likely to find themselves involved in restorative processes are also those who are more likely to have difficulty with speech, language and communication skills than the general population. This is based on an extensive body of research which examines the association between SLCN and behavioural difficulties. However, there may be a disparity between what is 'known' from research, and what is practised in classrooms:

*"The relationship between behaviour and language development appears to be more widely recognised in the literature than it is in practice"*

Law and Garrett, 2004, p.50

This disparity may be of particular interest to educational psychologists, who have the important and unique role of working at the interface between research and practice and ‘translating’ research findings into workable classroom practices.

A review of more recent literature suggests that there has been little research over the nine years since Law and Garrett’s observation to ascertain the degree to which schools recognise the link between behavioural difficulties and language competence. It seems that the gap still exists, because there have been recent calls for the routine screening of young people with behaviour difficulties in order to identify any underlying SLCN that they may have (Gross, 2011; Snow & Powell, 2008; 2012) and to move away from broad categorisation of need, to compiling individual profiles (Lindsey & Dockerell, 2012).

In view of the gap between theory and practice, it would be appropriate to examine practices ‘on the ground’ in education, that is, to establish in greater detail what restorative justice conferences in schools actually look and sound like, and how participants and facilitators negotiate the tasks and requirements of the conference. Ways to explore this are addressed in the next chapter.

## **Chapter 3: Study Design**

### **3.0 Introduction**

The research design which will be described in this chapter emerged from consideration of four key factors from the literature review:

1. Restorative Justice (RJ) is a highly verbalised intervention which draws on a complex range of language and communication skills
2. Children who transgress, and therefore become involved in RJ processes, are more likely to have speech, language and communication needs (SLCN)
3. The association between SLCN and behavioural difficulties is considered to be insufficiently recognised and understood in schools
4. And yet, RJ is repeatedly evaluated as being effective, bringing benefits for victim, perpetrator and the school community at large.

In view of the first three points, point four comes as something of a surprise, and raises the question; what is happening in restorative justice processes that allows resolution and satisfaction to be achieved most of the time; what sort of problems do participants encounter, whether as a result of SLCN or otherwise, and how are these negotiated? In short, what is it about the way restorative justice conferences are managed that allows them to work?

This chapter considers sources of information which can be used to address these questions and identifies conversation analysis (CA) as an appropriate research paradigm to investigate these issues further. CA is explained in terms which will enable the reader to access research findings in later chapters, and limitations of the methodology are also discussed. The process of recruiting participants to the research is described, as well as considerations to do with ethics and consent.

### **3.1 Initial information gathering**

#### **3.1.1 Research commission**

As an initial step in information gathering, the author of this paper commissioned and supervised a small piece of research which was conducted by educational psychologists in their first year of doctoral training.

The research was commissioned to take place in a local authority special school for children with BESD, whose entire staff had been trained to use restorative approaches. It was initially envisaged that such research might focus on compiling a language profile of the children taking part in RJ approaches, as this population might be expected to have an elevated risk of SLCN. However, it was not possible for the trainees to gain ethical approval for direct work with students within the project timeframe.

Through discussion it was agreed that two students would investigate how restorative approaches were being used successfully within a non-residential school for children with BESD, using an appreciative inquiry approach (see Appendix A). The purpose of the research was to contribute to the evidence base on how restorative approaches can be used effectively within such settings. It was agreed that the study would focus on staff perceptions of how restorative approaches have been used successfully within the school, and the conditions that staff consider necessary in order for such approaches to be used effectively. The students then constructed appreciative interview schedules which were completed with five members of paid school staff. Ethical issues were considered and approved by the training institution.

Thematic analysis of the interview data was conducted using Braun and Clarke's (2006) six phase data analysis. Five key themes were identified as being important for the effective use of restorative approaches in this particular school. They were:

- *Relationships*; not only relationships between staff and pupils, but also the importance of staff trusting each other to use restorative approaches consistently. Staff also mentioned the importance of knowing the pupils well enough in order to be able to read their body language effectively, for example, knowing the difference between lack of engagement due to anger, or embarrassment.
- *Emotions*; the importance of feeling safe enough to express emotions, as restorative work is linked to vulnerability as it starts with admitting you've been hurt. Staff also acknowledged the potential for emotional growth that this provides.

- *Learning*; in particular, learning about the link between actions and their consequences. Two members of staff observed how restorative approaches become more effective over time as students become more familiar with the process
- *Consistency*; using a shared approach under the backing of a strong message from school leadership. But also, the importance of consistent use of language:

*“with some of our students right down to using the same language so that they get comfortable with, ‘right, I know they are asking this and I know they’re gonna ask this and I know it’s gonna be framed in a certain way’ and then they get less apprehensive about actually discussing it” (Jelfs & Mitchell, 2013)*

- *Time*; including opportunities to spend time in a different location from others involved, to encourage reflection *“on how they feel, felt, or might have felt”*. (Jelfs & Mitchell, *ibid*). There was emphasis on the importance of feeling calm before taking part, and having enough time within school structures to give due consideration to all parts of the process.

Although language and communication per se were not identified as key themes, communication skills were often implicated. Jelfs & Mitchell were able effectively to show how their five key themes reflected findings from the literature. Their review of the literature led them to conclude that:

*“To develop a more holistic evidence base, it would be useful for further research to also consider the views of young people and their parents on their experiences and understanding of RAs”*

(Jelfs & Mitchell, 2013, p. 12)

This research commission was a useful initial step in the research by providing relevant background information about staff perceptions of restorative practices in a setting where pupils are likely to be at an elevated risk of SLCN, because of their behavioural difficulties. It also supported the need for greater understanding about the experiences of young people themselves during restorative processes.

### **3.1.2 Observation**

The researcher also observed a formal RJ conference involving parents at the BESD school in the role of the school's educational psychologist (EP) where the wrongdoer and the victim were both known to the EP through casework. The conference was facilitated by the assistant head of the school, who is the Lead for RJ and personally facilitates all conferences. There were further opportunities throughout the school year to observe less formal restorative 'discussions' facilitated by other teaching staff. Such observations allowed for an appreciation of the difficulties that children in this population often have with accepting responsibility for their actions; often there is no dispute about who did what, rather it is the significance of particular actions which are more difficult to resolve. Sometimes children struggled with the turn-taking requirements of the conference, and emotions could also run very high due to re-exposure to strong feelings about the incident in question. In these cases, it was important to be flexible about adhering to the structure of the conference.

### **3.1.3 Conferences online**

Further background information about what happens during restorative justice conferences in schools was sought via perusal of recorded conferences which are available online, using major search engines such as Google. Almost all of the material available is promotional, provided by training companies or organisations with a specific remit to promote RJ, such as the Restorative Justice Council ([www.restorativejustice.org.uk](http://www.restorativejustice.org.uk)). Such material tends to focus on the results of successful implementation of RJ in schools, citing both 'soft' evidence, for example, a more pleasant atmosphere and more cohesive school ethos, as well as 'harder' evidence such as reduction in exclusions and reduced staff turnover; see for example:

[http://www.restorativejustice.org.uk/rj-in-action/jazz\\_hands\\_\\_restorative\\_approaches\\_at\\_st\\_richards\\_ce\\_primary\\_school/#.UhlkzdK1GSo](http://www.restorativejustice.org.uk/rj-in-action/jazz_hands__restorative_approaches_at_st_richards_ce_primary_school/#.UhlkzdK1GSo).

Some websites feature dramatisations or re-enactments of restorative justice conferences for training purposes; these are concerned with equipping facilitators to follow certain procedures, although many of them do also seek to give a 'flavour' of what conferences can be like, for those who haven't experienced them. Any talk about the 'journey' tends to focus on contrast between the situation 'before' and 'after', rather

than scrutiny of the tools which participants use to negotiate the terrain between the beginning and the end of the conference.

Examination of such evidence supports findings from the literature which indicate that there is a huge degree of variation in how restorative approaches are used in schools (Bitel, 2004; Skinnis et al. 2009). Observed differences included such factors as; use of peer or adult mediators, whole class or small group; with or without the involvement of parents or carers; with or without 'supporters' for both the harmer and harmed.

### **3.2 Refining the research question**

Initial information gathering about procedures and attitudes 'on the ground' in schools supports findings from the literature that restorative justice conferences are highly valued in schools and that using restorative approaches is very well received in terms of user satisfaction. The literature review has highlighted the considerable communicative demands of restorative justice processes, such that the complexity of this skill set necessarily raises questions about how young people negotiate such demands in situ, and what role the facilitator (usually a specially trained teacher) plays in supporting any skills deficits, alongside facilitating the outcome of the conference. Clearly, to supplement the existing research about 'why' and 'whether' RJ is working, more information is needed about *how* it is working, including how participants are making sense of the process as displayed by the contributions that they make.

The aim of this piece of research is to contribute to understanding about negotiation of the communicative requirements of taking part in restorative justice processes. It is proposed to do this through examining video footage of naturally-occurring restorative justice practices in schools. Even if a participant in an RJ process does not possess optimum verbal and / or communication skills, recorded footage will make it possible to examine what that person is doing with the communicative resources that he or she *does* possess, in order to accomplish the aims of the task. It was envisaged that scrutiny of the footage would enable this research to answer the following questions:

- What does the person's use of their communication skills say about how they are making sense of the process?
- How are they displaying their understanding of what is going on?
- How do the contributions of facilitators support pupil-participants to achieve their aims?

### 3.3 Epistemological Perspective

Unlike previous research, this enquiry is not concerned with the extent to which participants *value* the opportunity to take part in RJ processes, nor with their perceptions of its efficacy. Rather, it scrutinises the process itself, in particular the tools that participants bring to bear in their management of the process. It seeks to uncover the 'norms' to which they orientate themselves at all points during the process, and how problems and 'blocks' are navigated along the way. This is seen as important because direct examination of RJ processes in schools has not been undertaken before, and may be able to contribute to the debate about the suitability of using highly verbalised interventions with children in light of the probability of variant levels of verbal skills.

Therefore, when considering research methodologies, those with an idiographic focus, such as interpretative phenomenological analysis, were rejected in favour of a research tool which could analyse the 'machinery' of the restorative justice process using a strictly empiricist approach. Other research paradigms, such as thematic analysis, were similarly rejected because of their emphasis on subjective experience and the socio-psychological characteristics of participants, which are not the focus of this study. A research tool was sought which would be concerned with identifying strategies used by participants rather than seeking to codify responses or identify themes.

Discourse analysis approaches were considered but not found suitable because of their linguistic concerns and emphasis on language form as well as function. This project is concerned with the socio-psychological rather than linguistic perspective, looking at how people make use of the communicative tools which are in their possession, in a purely pragmatic sense.

The research tool which was identified as highly suited to this area of study is conversation analysis, or 'CA' (Sacks, Schlegloff, & Jefferson, 1974) which will be described in more detail in the next section. Weber (2003) describes conversation analysis as a methodologist variant of epistemological realism, and as such is a subcategory of objectivism, that is to say, what it studies is considered to exist independently of what is known about it. According to Weber's description, CA seeks to uncover an objective reality through the application of a set of procedures. However, it may also be possible to argue that CA takes a social constructionist perspective, in that it is concerned with the construction of the conversation 'in situ', and examines



how conversation partners understand and respond to each other as demonstrated through their turns at talk.

### **3.4 Choice of research paradigm: Conversation Analysis**

#### **3.4.1 What is Conversation Analysis?**

Conversation analysis (CA) is the study of recorded, naturally-occurring talk and asks how mutual understanding is accomplished and displayed through talk-in-interaction (Hutchby & Wooffitt, 2008).

*“The objective of CA is to uncover the often tacit reasoning procedures and social linguistic competencies underlying the production and interpretation of talk in organisational sequences of interaction... words are not studied as semantic units, but as products or objects which are designed and used in terms of the activities being negotiated in the talk”*

(Hutchby & Wooffitt, 2008, p. 12)

CA is a data-driven explication of the detailed ways in which people organise their interactions together. It is based on careful consideration of recordings of authentic interactions, and is unaffected by theoretical or ideological preconceptions. As such it is a ‘bottom up’ approach. What is sought at all times is the perspective of the participants, rather than the perspective of the researcher. For this reason, it is considered desirable to approach the data (that is, the recorded material) in a ‘theory-free’ mindset, a stance which Psathas (1995) labelled as ‘unmotivated looking’. It is indeed a ‘stance’, rather than a reality, because for a topic to have become the focus of research in the first place there would need to have been some preliminary theorising, however, ‘unmotivated looking’ is an ideal which aims to minimise all preconceptions and stereotypes. As such, the researcher does not approach the study with a hypothesis or a clearly defined research question, although it is necessary for there to be an underlying justification of the topic being considered.

#### **3.4.2 Origins of CA: Ethnomethodology**

CA is located within ethnomethodology (Garfinkel, 1967), and as such is concerned with how people make sense of their circumstances. Ethnomethodology asserts that the principles on which people interact with each other are understood at a subconscious level and are rarely noticed or described. The existence of such

principles, or 'rules', become most notable when they are not followed such that expectations around social norms are violated (Garfinkel, 1967; Milgram, Liberty, Toledo & Blacken, 1956), with the effect that what was previously 'unnoticed' (for example, accepting the offer of a handshake) becomes highly conspicuous in its absence.

Ethnomethodology attempts to make these principles of interactions explicit. Seedhouse (2004, p 6-12) provides a useful summary of the five principles of ethnomethodology, represented briefly here as:

- *Indexicality*; where the meaning of what is said depends on the context of its use; this allows utterances to represent far more than is actually said and thereby makes everyday conversation possible (Boyle, 2000):

*"Context elaborates the meaning of utterances. A similar principle applies in interaction: "Is it serious" is understood differently in the context of a sprained ankle and a cancer diagnosis. Context specifies meaning". (Heritage, 2011, p. 4)*

- *Documentary method of interpretation*: any action exists as an example of a previously known pattern. The underlying 'document' is derived from past events and used to interpret present and future events, thereby providing a sense of coherency.
- *Reciprocity of perspectives*: showing affiliation with somebody else's perspective, as a way of trying to achieve 'intersubjectivity'. This describes a structural bias towards cooperation, but is not the same as agreeing with someone all the time.
- *Normative accountability*; a template for interaction rather than a rule, most conspicuous when it is not followed (for example, choosing not to respond to a greeting, which sends its own message). This illustrates how people evaluate particular actions by reference to what is normal under the circumstances.
- *Reflexivity*; actions or words are produced and interpreted according to the same set of procedures or methods. For example, issuing an invitation to a friend is not only performing an action, but creating a context for its interpretation.

Seedbank (ibid) goes on to describe CA as:

*“the result of applying ethnomethodological principles to naturally occurring talk.... the main interest is in uncovering the underlying machinery which enables interactants to achieve this organisation and order” (p.12)*

Therefore CA differs from ethnomethodology because it is concerned only with the type of interactions which are manifest through talk. Its aim is to understand how participants respond to each other in their turns at talk, with a central focus on how sequences of action are generated (Hutchby & Wooffitt, 2008)

Although CA is about uncovering the rules and conventions people orientate to during conversation, which if asked, they would not be able to explain or define, it is definitely not seeking to uncover people’s unconscious thoughts or feelings, or in any way provide a ‘window’ into the subconscious.

### **3.4.3 Methodological Perspective**

Psathas (1995, p.45) describes the methodological approach of CA as seeking to describe and analyse the organisational features of various naturally-occurring, interactional phenomena. Ten Have (1999) points out that ‘conversation analysis’ in its broadest sense can refer to any study of talk, oral communication or language use. However, for the purposes of research it is used in a ‘restricted’ sense to refer to a particular tradition of analytic work which derives from the work of Harvey Sacks and his collaborators (Sacks, Schlegloff, & Jefferson, A simplest systematics for the organisation of turn-taking in conversation, 1974). Ten Have (ibid) considers that the basic analytic strategy of CA is to take what people are doing in conversations, and to try to find out the kind of problem for which this ‘doing’ might be a solution; in other words, it is looking at how people ‘use their talk’ to get things done.

In terms of the relevance of context:

*“the CA view [is] that it is created, renewed and operationalised in many disparate but interlocking facets of the organisation of interaction” (Heritage, 1997, p. 241)*

CA holds that interaction is context-dependent and context renewing. The context is 'talked into being' during the interaction itself, and is present inasmuch as participants orientate to it.

For these purposes, CA is considered superior to questionnaires and interviews because it analyses practice in situ; questionnaires and interviews rely on subject-participants describing their practice as it occurs elsewhere, and as such cannot document and describe the precise characteristics of 'practice-in-action'. There are many reasons why reports from subject-participants may be 'contaminated' simply by taking part in an interview or questionnaire; these include representing phenomena in such a way as to present them in a good light, or to concur with the perceived agenda of the researcher. CA is often described as a raw, empiric form of data which, as ten Have (1990) observes, could not be produced by anybody's imagination.

By recording phenomena in situ, CA data is often described as 'naturally occurring', and aims to have the least possible effect on those being recorded or observed. As such it is a 'first order description of members practice' (Housley & Fitzgerald, 2000, p. 18). Recordings are meticulously transcribed using a detailed set of conventions which can convey precisely not only what was said, but how (Jefferson, 2004). As Psathas (1995) observes, the key feature of obtaining recordings is that interactions can be repeatedly replayed and transcribed, and the very process of careful transcription can sometimes reveal phenomena that would otherwise have gone unnoticed.

#### **3.4.4 CA: Types of organisational interaction**

It is important to invest some time in a brief discussion of the theory and methodology of CA, to help clarify terms which have a specialist usage in CA which may differ somewhat from their 'everyday' function (such as 'turn-taking', 'preference' and 'repair').

CA has uncovered key features of organisational interaction, as described by Sacks and colleagues, and subsequently used by analysts. They have been grouped here into three main areas; organisation of turn-taking; sequencing, adjacency pairs and preference, and repair. There follows a brief description of each for the purposes of making the findings of this research project accessible. However, for a more detailed understanding of the foundations of CA, please see Sacks, Schleglof and Jefferson (1974), Hutchby and Wooffitt, (2008), ten Have (1999) or Psathas (1995).

### Organisation of turn-taking

Conversation is produced according to a temporal order, in a series of 'turn-constructional units' (TCUs), which may correspond to linguistic categories such as sentences, clauses, phrases or single words. The system for turn-taking in conversation is generally seen as very robust, because overlapping in ordinary conversation is rare (less than 5% of speech, according to Seedbank, 2004, p.27) and yet gaps between speakers are usually measured in tenths of a second, even when multiple speakers are involved.

Clearly in an ordinary conversation turns are not allocated in advance, so decisions about taking turns are made by participants in situ. Sacks suggested that this is done by making reference to the TCU. The point at which a turn may pass to another speaker is called the 'transition relevance point' (TRP). To whom the turn is allocated may depend on: the speaker selecting who talks next; another speaker self-selecting and taking the turn, or; nobody taking the turn, in which case the original speaker continues. Whichever situation arises, the same set of considerations applies to the next TRP.

These considerations may be described as 'an oriented-to set of normative practices which members use to accomplish orderly turn-taking' (Hutchby & Wooffitt, 2008, p. 51). TRPs may be anticipated before the initial speaker has actually completed the TCU, but this does not count as breaching of the normative practices, and indeed helps maintain the pace of the conversation. Clearly overlaps can and do occur in conversations and may or may not be treated as violations of the 'rules' (that is, an interruption), depending on how they are oriented-to by the participants themselves.

It is fascinating that the work of CA has been able to show that overlaps in conversation, far from being 'random' or 'disorderly', are in fact usually highly organised. This can be demonstrated because the majority of overlap occurs around TRPs, showing how participants are able to orientate themselves to the key points in the conversation where it is acceptable to start a turn.

Hutchby and Wooffitt (2008, p.56) summarise the three main types of overlap onset which were identified by Jefferson (1986):

- *Transitional onset*; the next speaker orients to a possible TRP

- *Recognitional onset*; the next speaker feels that he or she knows what is going to be said and can project its completion, even before the end of the TCU
- *Progressional onset*; there is some disfluency in the current turn and the next speaker suggests a completion in order to move things forward.

Turn-taking in conversation illustrates how participants make sense of each other. Evidence for this is gathered through the 'next-turn proof procedure' (Hutchby & Wooffitt, 2008), whereby the way the hearer interprets a turn is illustrated by his or her response to it, and draws on the ethnographic principles of 'normative accountability' and 'reflexivity'. For example: "Have you tried talking about it?" could be treated as a request for information, eliciting a response such as 'yes' or 'not yet, or as a suggestion, which would be indicated by a response such as "I could, but it wouldn't work". The first speaker then has a chance to accept or refute this interpretation at the next turn. Ten Have describes 'turns' as "analytically distinguished but interlocking organisations" (p.110) which serves as a useful reminder not to consider them as 'units'.

Examination of how turns are understood by participants forms the 'meat' for CA, because it helps answer the fundamental question about what social action is being 'done' with a piece of talk, and how this action is experienced by the participants themselves. The emphasis is always of the perspective of the participant, not the researcher.

### *Conversational sequencing, adjacency pairs and preference*

Turns at conversation tend to come in pairs (question – response; invitation – acceptance / declination). Sacks was particularly interested in 'paired action sequences'. The adjacency pair is the most common of these sequences, whereby two parts are generally (but not always) produced next to each other. There is a normative frame of reference that the first part will be answered, but if not, it is possible to make inferences (as in the classic example of a greeting which isn't returned). Hutchby and Wooffitt (2008) describe adjacency pairs as a powerful normative framework for the assessment of actions and motives (p.46).

Related to this is the notion of preference organisation which applies to some types of adjacency pair. Here, the notion of 'preference' is very much to do with affiliation rather than 'liking', in that initial actions can sometimes invite, or 'prefer', a particular response. For example, the question "you will be there, won't you?" seems to invite the

preferred response: “Yes”. The preferred response is usually supplied straight away, and is generally unnoticed by the participants. However if the response is ‘dispreferred’ (in this case: “No”) it may appear after some delay and is typically preceded by ‘well’ or ‘um’. Such a ‘dispreferred’ response would normally require some further explanation. If an explanation is not forthcoming, the initial speaker may be inclined to draw negative conclusions. Dispreferred responses have been described as noticeable and accountable, and if no account is provided, they may be sanctionable (Boyle, 2000).

As Heritage (1984) has observed:

*“there is a ‘bias’ intrinsic to many aspects of the organization of talk which is generally favourable to the maintenance of bonds of solidarity between actors and which promotes the avoidance of conflict”*

(p.265)

### Repair

The concept of repair in conversation was touched upon in chapter two, 2.5 (this paper), and was defined as the ability of participants to recognise when a misunderstanding has taken place and to go about rectifying this (Zahn, 1984, Nippold, 2000). The term ‘repair’ rather than ‘correction’ is used, as the problem need not necessarily involve any factual error, but can apply to anything that the participants deem to be obstructing their communication.

CA identifies four different types of repair interactions, with a clear hierarchy in terms of the preference for each shown by participants. The order of preference is given below, with one being the most and four being the least preferred type of repair:

1. Self-initiated self-repair (spontaneous self-correction)
2. Self-initiated other-repair (the speaker elicits help from another participant)
3. Other-initiated self-repair (the speaker clarifies something in response to a query by another participant)
4. Other-initiated other-repair (the other person provides an unsolicited correction)

Like overlap, repair illustrates how participants are constantly orientating themselves to a set of turn-taking rules (Hutchby & Wooffitt, 2008)

### **3.4.5 Institutional talk**

The study of social interaction which is ‘conversational’ or ‘everyday’, may be distinguished from the study of how interaction works in specific settings such as the workplace, courtrooms, the doctor’s surgery or schools; this latter variety is often referred to as ‘institutional talk’.

*“The first examines the institution of interaction in its own right; the second studies the management of social institutions in interaction”*

(Heritage, 1997, p. 162)

Housley and Fitzgerald (2000) note that institutional talk is ‘comparative’, in that it exists in comparison to, and derives its identity from, talk in ‘everyday life’. Different types of institutional talk are found in different types of institution. In this way each variety of institutional talk has its own ‘fingerprint’ yet there is not much more than a set of ‘family resemblances’ between them (Drew & Heritage, 1992b, p. 21).

These resemblances have been grouped into three key characteristics by Drew & Heritage (1992a), which are useful for the purposes of identifying ‘institutional’ as opposed to ‘everyday’ talk. Such talk:

- Has goals that are oriented to by at least one party, and are tied to *institution relevant identities*. For example, in the setting of a performance appraisal interview, employee and manager will orient to these particular roles in the way that they talk and interact, with a shared goal of reviewing progress.
- Involves *special constraints* on what constitutes an allowable contribution to the business at hand. For example, in the doctor-patient consultation, it may be permissible to discuss topics which would not be considered appropriate in a different setting.
- Involves *special inferences* that are particular to specific contexts. This means that actions performed in this context may be understood in ways which are different from how they would be understood in another context. While expressions of surprise, pleasure and amusement might be appropriate in a social context, in a professional setting they could lead to negative inferences such as the talker being seen as flippant or disrespectful. Therefore it might be



appropriate to withhold such expressions in the workplace (whereas doing so in a social context might lead to inferences about disengagement, emotional coldness or being aloof).

Clearly restorative justice conferences within schools fall into the category of institutional, rather than everyday talk, and can be mapped onto the three characteristics above as follows:

- '*Institution relevant identity*' in RJ is usually along the lines of having an inclusive school where everyone is valued and disputes are addressed quickly and fairly. Such identities are often explicitly described in behaviour policies and on school websites. Often in RJ conferences the facilitator is the teacher and the 'victim' and 'offender' are pupils, however, this is not always the case. Some conferences are managed by peer mediators, and sometimes a member of staff may participate in a conference in the role of 'victim'.
- '*Special constraints*' in RJ processes are made explicit, for example, the requirement to refrain from interrupting another person's account during the RJ process, or using disrespectful language. Such constraints would follow the protocol of the RJ conference, and would also be influenced by any training which the school had received.
- '*Special inferences*' which are specific to the RJ context include the notion that adhering to the protocol will result in resolution for the parties involved, and the ability to move forward. Deviating from the protocol could give rise to inferences about the commitment of participants to RJ processes, or the efficacy of RJ within the school.

Researchers have found it useful to distinguish between 'everyday' and 'institutional' talk, on the basis that the latter sometimes requires preliminary observations in order to understand truly the context. However, this is controversial within the field, with some analysts taking the view that no data beyond the recordings is required, and others wishing to take a more ethnographic stance, and immerse themselves in the setting under scrutiny (ten Have, 2006). Fortunately, this need not be an area of controversy for the purposes of this paper, as the context (or 'institution') in question; restorative justice approaches in schools, has already been explored in some depth through the literature review.

Sacks, Schegloff, and Jefferson (1974) have described a 'linear array' with 'conversation' at one polar extreme, and 'ceremony' at the other. In ordinary 'conversation', turns are organised locally, usually using the 'one turn at a time' allocation, whereas in a 'ceremony', such as a funeral, nearly all the turns will have been strictly pre-allocated. There are various 'mixes' in between, such as in a business meeting, where participants will move between 'everyday' and 'institutional' talk depending on the task in hand.

### **3.5 Limitations and challenges of CA**

As a research methodology, CA seems to be subject to a set of 'standard' criticisms, which are outlined and addressed below, drawing on a range of sources including 'Methodological Issues in Conversation Analysis' (ten Have, 1990) and discussions which took place during the CA workshop 'Studying Children's Interactions' (March 2014, Loughborough University)

- One of the biggest criticisms of CA which occurs in the literature is the apparent lack of significance which is given to contextual categories, such as age, gender and power, before the conversation is explicated. CA takes the clear view that such issues are only relevant when brought to bear by the participants themselves, in their 'situated' reactions to one another (Ten Have). This is consistent with the fundamental empiricism of CA.

However:

*CA researchers cannot take 'context' for granted nor may they treat it as determined in advance and independent of the participants' own activities. Instead, 'context' and identity have to be treated as inherently locally produced, incrementally developed and, by extension, as transformable at any moment. (Drew & Heritage, 1992b, p. 21)*

It is not that the context is unimportant, rather, that it is being considered 'in situ' through the progress of intersubjectivity between participants, which is developed through a series of related social actions via the medium of language (Seedhouse, 2004)

- Critics sometimes express concern that participants in conversation are not themselves asked to interpret the interactions. This may be due to a common misconception about CA; that it aims in some way to provide a 'window' into the minds of the participants. CA is about the analysis of conversational organisation; speculation about the meaning of what is said may help to uncover the 'rules' which are being oriented to, but is not a means in itself. The analyst seeks to analyse interpretations of talk, rather than the psychological states of the participants.

Far from being aloof, the analyst is immersed in the moment-to-moment work of the conversation participant as they go about achieving their social goals through rationally organised social interaction.

- Some critics feel that CA concentrates on verbal interactions too heavily, at the expense of non-verbal communication. Often cited is the statistic that 93% of our communication is non-verbal' (Mehrabian, 1971). Literal interpretation of this would lead to the inference that a foreign language, for example, should not present a significant barrier to communication as individuals would be able to compensate for any language difficulties non-verbally. Clearly the reality is that verbal and non-verbal skills complement each other and are usually synthesised during face to face communication. For this reason, video footage is sought wherever possible.
- In reducing complex social interactions to a transcript, CA may be seen as giving inadequate emphasis to embodied action (e.g. gesture and gaze). CA transcripts do make note of embodied actions which are considered significant by the researcher, however, it is fair to say that this will always be a subjective judgement. However, access to recordings and transcriptions allows for such issues to be revisited and improved upon with ever greater precision, and allows for further criticality and replication through others being in a position to analyse the data and indeed the researcher being able to seek and incorporate the opinions of others, thus substantiating conclusions beyond the individual subjectivity
- Recording multi-party interactions can yield complex data which present challenges when transcribing; subjective judgements of the transcriber become more impactful. As with the point above, ill effects of this can be minimized by

scrutinizing the data repeatedly, and by several researchers during data sessions

- There is growing awareness that communicative habits in society are changing, as a result of increasingly accessible technology, in particular, the use of smart phones and their effect on face-to-face conversation. Young people may be particularly affected by this in ways which are not yet fully understood. It is possible that this may impact on CA practice in the longer term, however, for the purposes of this study, it is not considered relevant.
- Related to the above, it may be increasingly difficult to gain consent from participants to be recorded; particularly younger participants being videoed rather than audio recorded. This is due to the fears about the speed and ease with which video footage can be shared. Such concerns are now institutionalised for example in the legislation around picture-taking and video-recording in schools, such as school productions and sports event.
- There are sometimes concerns that participants are unduly affected by the presence of recording equipment in an otherwise 'naturally occurring' situation, and may 'act up' accordingly (the 'Hawthorne effect', Landsberger, 1958). This may however be used as part of the data analysis where it is apparent that participants are orientating to the presence of recording equipment.

The above points are not exhaustive. They do hope however to capture the main criticisms of CA and to respond to them in such a way as to highlight the suitability of this methodology for the research project in question.

### **3.6 Application of CA to RJ: Previous studies**

An online search of electronic databases yielded only two studies which applied a CA methodology to questions around RJ approaches. The studies show that useful inferences can be drawn from a relatively small sample size and emphasise the need for further study of processes in RJ.

#### Rossner (2011)

This study used a modified conversation analysis of discourse, linguistic and paralinguistic cues to examine turn-taking and other conversational rules (Sacks,

Schlegloff, & Jefferson, A simplest systematics for the organisation of turn-taking in conversation, 1974) as part of Rossner's study of emotions and interaction ritual.

She recorded one RJ encounter to provide a methodological framework for more rigorous evaluation of RJ processes. She cites a range of studies where scholars have begun calling for closer inspection and documentation of the dynamics of the RJ process, especially as the results of numerous studies which evaluate outcomes of RJ have demonstrated conflicting findings (see Rossner, 2011 p.95), leading to the conclusion that there is a 'tension' around 'what works' in RJ. She advocates deeper exploration of what actually happens during an RJ conference, in order to move this conflicted situation on.

In particular she suggests in-depth explorations of interactional processes, drawing on Collins' (2004) theory of interactional ritual chains, which postulates that interactions are patterned, ritualised and relatively predictable. Rossner is positive about RJ, calling it 'a potentially powerful experience' for participants and hoping a greater focus on the interactions which take place can enhance its positive effects.

Jacobsson, Wahlin and Andersson, (2012)

This study used CA to examine whether victims benefit from verbal interaction with offenders during a process of mediation, in particular how victims interact, communicate and position themselves in relation to the offender during RJ processes. The study analysed 25 mediation meetings in order to identify potential benefits for victims who communicate with offenders, but found no easy answers as victims communicate in diverse ways. The authors speculate that additional factors may obstruct an equitable and respectful dialogue, such as previous relationships, age, gender and social status, as well as the tendency for speech patterns to be asymmetrical (Linell, 1998) for example, one protagonist is always more skilled at describing, interpreting and verbalising the events.

This study raised the need for further understanding of the type of communication strategies used during mediation processes, as well as further understanding about social positioning and intentionality.

### **3.7 Identifying participants for the current study**

#### **3.7.1 Method**

A full research proposal including information and consent forms was submitted and approved by Cardiff University's School Research Ethics Committee (SREC) in December 2013. (See Appendix B for full details.)

It was proposed that data for this study would consist of video footage of restorative justice conferences taking place in schools. Schools were sought to participate in the research on the basis of their showing a commitment to the principles of restorative justice. The 'markers' for this were:

- Explicit mention of restorative approaches in the behaviour policy
- Whole staff training in restorative approaches
- Restorative justice conferences occurring routinely in the school.

Schools which met these criteria within a specified region were sought by a number of means including:

- Contact with regional organisations promoting restorative justice, and submission of a notice on their website (Appendix C)
- Online searches combining the search terms 'restorative' and 'school' leading to scrutiny of school websites and behaviour policies
- Requesting information from a local educational psychology service.

Five schools; four secondaries and one primary, were identified using the above means. A 'gatekeeper' letter (Appendix D) was submitted to the head teacher of four of these schools as an appendix to an introductory email. The fifth school was contacted through the school's educational psychologist who had an informal discussion with the special educational needs coordinator.

As a safeguard against the possibility of no schools being found to take part in the research, investigations were made at the same time into the possibility of using footage of RJ approaches in schools which might already have been collected by other individuals or organisations. This included:

- Internet searches combining the search terms 'restorative', 'schools', 'restorative justice'
- Making contact with restorative justice training providers
- Making contact with national organisations which promote restorative justice.

The criteria for 'acceptable' footage from a third party were that:

- The footage was unedited (all dialogue could be heard)
- Processes were filmed from start to finish
- Processes were 'naturally occurring' (not scripted)
- Consent had been given for public dissemination.

After extensive search online over eight months, two film clips were found featuring footage of three restorative justice conferences which met the above criteria; both are publicly available on Youtube having originally been made for Teachers TV. The availability of further footage was reported by the Restorative Justice Council, however, this is currently held by the local authority within which the film was made, and has not yet been released.

The issue with all footage obtained in this way is it is impossible to know how it was introduced, and what influence introductions and explanations might have had on the actual data. Therefore, the suitability of on-line clips can only be ascertained at a relatively surface level. The three conferences from Teachers TV were therefore not used for this study. However, the search for such clips served to underline the general scarcity of film footage from 'authentic' RJ approaches in schools, and highlights the value of the video clips which were eventually obtained for this research.

### **3.7.2 Challenges**

Collecting film footage of RJ approaches in schools proved to be difficult. Ethical and consent issues around filming children in schools are sensitive and complex. In addition, inviting participants to showcase restorative processes, which by definition focus on transgressions and things which have gone 'wrong', proved particularly challenging. Problems included the following:

- In two of the five schools identified as potential participants, feedback from the initial enquiries by colleagues in educational psychology indicated that the lead

for RJ in the school was keen to participate, but was not able to do so due to lack of consensus amongst colleagues. Grounds for this were not given, but may have included fears about further demands on teacher time (in terms of gaining consent from all participants) and fears about the execution of the processes being under scrutiny. One school, having been in special measures, was in the process of becoming an academy which may also have been a constraining factor.

- Another problem which became apparent early on was that even where schools felt positively about their use of restorative justice processes and were confident about their good practice, conferences – particularly with older children - are often dealing with highly sensitive issues which, in essence, all parties want to move on from as quickly as possible. The idea of difficult conversations being ‘stored’ somewhere on film might be perceived as being at odds with the goal of resolution, closure, and returning the situation to its former harmony (‘restoring’), or indeed moving things on to a better situation. Especially with older children, some of the transgressions were related to events in the community where there was sometimes involvement from the police and the youth offending team, and understandably there was resistance in these cases to involving another ‘stakeholder’.
- One school felt that getting parents on board with RJ had been a fight hard won, and that requests to record might be viewed with suspicion and compromise previous hard work to get RJ established. It was felt that parents would be unwilling to have their child’s poor behaviour ‘showcased’ for research purposes. One teacher reported that the parents would expect anything video recorded routinely to end up on Youtube, and feared that any such request would invite hostility. However, another school in a similar area felt that parents trusted teachers, and “if they see the teachers are alright with it, they will be too”.

Of the five originally identified as meeting the eligibility criteria, one agreed to take part and was able to provide high quality video footage of four conferences which took place between March and July 2014. Clips from this school constitute the data for this research project. The school is a large primary school on the edge of an urban local authority and will be referred to as ‘the research school’.



### **3.8 Ethical issues:**

#### **3.8.1 Initial considerations**

CA as a methodology passes what has been called the ‘dead social scientist test’ (Potter, 2003), which is to say that the interaction which is being studied would be the same whether the researcher had taken any interest or not. As such CA minimises ethical considerations in terms of any negative effects of participation in the study – young people and teachers are not being asked to do anything different from what they would normally do; the only difference in real terms is the presence of a small recording device in the room. The fact that people would not be required to do anything additional or different was emphasised in the introductory phase through consent forms and information about the study. This may have helped minimise the possibility of participants fearing a negative evaluation of the process and serving to minimise ethical concerns in this area.

#### **3.8.2 Consent**

Conferences were video recorded with informed consent from the facilitating teacher and verbal consent at the point of recording from all participants. Informed consent from participants and their parents was sought before the footage was scrutinised, but after the interactions had taken place, and in this sense was obtained ‘historically’ (see Appendix E). The advantages of this were twofold; the behaviour of the participants was not influenced by the knowledge that their behaviour would be the subject of research, and in the event of a technical failure and the recording not being successful, there had not been any unnecessary disruption.

The principle of informed consent was satisfied because participants were presented with information about the research in a way which they could understand, that is, using straightforward written language supported by a verbal explanation to match the developmental level of the children. Opportunities for question and discussion were actively encouraged. All participants were made aware that they could decline to take part, or change their mind about taking part, without having to give a reason why and without incurring any negative consequences.

It was anticipated that teachers would be willing to give consent as it was possible to offer assurances that the study was concerned with ‘how’ restorative justice works and not with teachers’ performance as facilitators. Since the research recordings requiring consent were all taken from a primary school setting, it was expected that

transgressions would be relatively minor and therefore consent would be readily provided by parents. In the event, this turned out to be the case.

### **3.8.3. Confidentiality**

All participants were assured that the recordings would be stored securely and confidentially on a password protected computer, and stored for a maximum of five years before being destroyed. They were also assured that footage would only be seen by researchers and research supervisors / examiners. Given the sensitive nature of RJ proceedings, the ability to provide robust reassurances about confidentiality was clearly very important.

## **3.9 Collecting the data:**

### **3.9.1 Initial arrangements**

Following initial email correspondence, a meeting was arranged in March 2014 with the head teacher at the research school. This was for further discussion of the research proposal, with a view to particular scrutiny of information and consent protocol. It was proposed by the head teacher that the project would be presented to the teaching staff at the next staff meeting, with opportunities for questions. The result of this meeting was that teaching staff consented to take part; nobody indicated an intention not to take part, however as conferences would be recorded on an 'opt in' basis, anyone not wanting to take part could easily and inconspicuously decline.

The head teacher and teaching staff felt that it would be preferable if the project was explained to pupils and parents by the teachers themselves, rather than an unknown researcher, and it was agreed that class teachers would explain the purpose of the research according to the information provided, and oversee the signing of consent forms by participating pupils and their parents. However, the researcher would be available in school on set dates in order to answer questions or provide any further information that teachers, parents or pupils might have required. It was made clear to teachers that when explaining the project to parents and carers, a neutral stance should be maintained.

### **3.9.2 Collecting footage**

All teachers indicated that they would prefer to record conferences themselves, using their own recording devices, however, a 'Zoom Q2HD' camera was left in school for recording purposes should it be required. Once conferences were recorded, individual members of staff stored the footage securely on the school's shared drive which is password protected. The footage was then copied onto a USB stick and transferred to the researcher's computer; once saved securely in this way data on the USB stick was deleted.

Following each conference, teachers were encouraged to debrief the pupils, both verbally and via a debriefing letter (Appendix F). This reminded participants of the focus of the research, and assured them about the value of their contribution. Children and parents were also given opportunities to ask questions. No questions or further information were sought from the researcher at any point; this may affirm that to a high level of professionalism and trust between teaching staff, the pupils and their parents.

### **3.9.3 Initial examination of the data**

Once consent forms had been signed by all participants and their parents, it was possible to examine the footage. Of the seven recordings made, four were suitable for research purposes. One was discarded because it was incomplete (the camera had stopped working, unbeknown to the teacher), one because it had taken an 'informative' stance, that is, it was an enactment of an RJ conference rather than being a 'naturally occurring' conference, and the third because consent had been withdrawn by one of the pupil participants, who was not required to give a reason.

## **3.10 Summary**

This chapter has explained how research questions were identified and refined. Consideration of the epistemological perspective identified conversation analysis (CA) as the appropriate research tool for this study; a basic explanation of CA has been provided to facilitate examination of the study's findings in the next chapter.

The particular challenges of recruiting participants for this study have been explored, and might go some way towards explaining the scarcity of film footage of naturally occurring RJ conferences in schools, as well as the lack of previous research in this area. Ethical considerations have also been explored and data collection processes

described. Examination of the data, and findings thereof, are detailed in the next chapter.

## Chapter 4: Discussion of Findings

### 4.0 Introduction

The final data collection consisted of four video-recorded RJ conferences from one primary school. Each was recorded by the teacher facilitating the conference. All recordings met the research criteria of being ‘naturally-occurring’, that is; taking place spontaneously within the structure of the school’s ongoing use of restorative practices and not having been ‘staged’ for recording purposes; being recorded from start to finish; and being unedited.

Each recording was viewed repeatedly and transcribed in detail using the notational conventions which were developed by Gail Jefferson (Jefferson, 2004). Such conventions allow the transcriber to capture not only the words themselves, but prosodic characteristics such as pitch, volume, intonation, stress and speed. Once transcribed, the data were available for repeated scrutiny. Transcript conventions are outlined in Appendix G. A glossary of key terms is provided in Appendix H. To preserve the anonymity of the participants, all names in the transcripts have been changed.

As mentioned in the introduction, the data in the form of transcribed conversations are presented and discussed within the same chapter, rather than separately.

### 4.1 Outline of the conferences

Key information about each of the conferences is summarised below:

Conference	Transcript	Year group	No. pupils	Length (m:s)	Brief overview of reason for the conference
C1	T1	2	2	5:57	Dispute about a computer game at lunchtime followed by aggression in the playground
C2	T2	1	2	5:25	One pupil has called another pupil a hurtful name
C3	T3	5	2	8:14	Aggression at lunchtime (strangling) as part of a long-running problem between two pupils
C4	T4	5	3	8:47	Incident on a school trip involving 3 pupils who ran away at different times

These conferences were convened at the discretion of the facilitating teacher and took place during the course of the school day; either at break or lunch time. These were short conferences as would be expected due to the relatively minor transgressions, which were sought purposefully to aid consent. Conferences and transcripts will be

referred to by their number. Full transcriptions of each of the conferences are available in Appendices I, J, K and L.

#### **4.1.1 Initial analysis**

Ten Have (1999) has observed that with CA, it is nearly impossible to know beforehand whether a piece of work will end up adding in a meaningful way to the existing body of research, and therefore it is not possible to make advance judgements about its potential usability. Analysis should therefore be conducted instead from a stance of 'ethnomethodological indifference' (Garfinkel & Sacks, 1970), whereby patterns are allowed to emerge from the data 'unlooked-for'. This stance has also been described as 'unmotivated looking' (Psathas, 1990) because the researcher aims to be 'open' to the discovery of phenomena, rather than looking for examples of phenomena which have been described elsewhere, or which have been preconceived according to theory. Comparisons have been made between 'unmotivated looking' and the phenomenological practice of 'bracketing', in that both require suspension of influences from the outside world in order to concentrate on the analysis of mental experience (ten Have 2006). Consistent with CA methodology, initial analysis of this data was approached in the spirit of 'unmotivated looking'. In practice this involved not anticipating answers to questions or testing hypotheses, rather, the focus is on seeking to expand understanding of the area in question.

Ten Have (1999) describes the ultimate 'results' of CA as being a set of formulated 'rules' or 'principles' which are orientated to by participants during the course of their interactions. Such 'rules' are generated by micro-analysis of singular instances, which are then 'tested' against other, similar instances (p.135-136). In accordance with these principles, this study starts by explicating a single instance of the phenomenon under scrutiny; a RJ conference in a primary school. It looks for patterns, and then seeks instances of similar patterns in further examples of similar processes. The fact that this is a small data set does not make its findings irrelevant; even with large amounts of data, the aim of CA is to provide a deep, descriptive account of particular interactions; frequency of occurrence is not sought as proof that findings are generalizable to other contexts.

#### **4.1.2 A template for analysing institutional talk**

As demonstrated in Chapter 3, RJ conferences in schools fall within the category described by CA as 'institutional talk'. It was therefore decided that patterns which occur in the data would be analysed according to the template proposed in Heritage

(2004) for the analysis of institutional talk. He suggests scrutinising six key areas of the transcript in order to probe the “institutionality” of interaction’ (p.225). These key areas are:

- Turn-taking organisation
- Overall structural organization of the interaction
- Sequence organisation
- Turn design
- Lexical choice
- Interactional asymmetries.

These terms will be explained and examined in more detail in subsequent sections. Heritage (ibid) views these levels of “institutionality” in talk as being interrelated, “rather like Russian dolls that fit inside each other” (p241); lexical choice within turn design; turn-design within sequence organisation; and sequence organisation within overall structural organisation. Heritage describes turn-taking and asymmetry as being somewhat outside this system because they both have effects which permeate all levels of the organisation’s interaction. Therefore, following the explication of a single transcript, the above six components of institutional talk were used as a framework for looking across all of the transcripts to consider instances of particular phenomena.

The stance of ‘unmotivated looking’ prevented the anticipation of particular research outcomes. Nevertheless, a question which was borne in mind at all times was: what is the institutional reality of RJ conferences in this school, and how are these invoked or otherwise by the participants during their interactions? Related questions included; how do the participants and the facilitator co-construct these particular conversations as ‘RJ conferences’; how does the turn-taking system allow them to progress through the conversation as a ‘RJ conference’; and what orientation is there to specific goals?

#### **4.2 Explication of Transcript 1: “Connor and Robbie”**

CA takes the view that a single case is an entire, self-contained instance of produced order, rather than being representative of a wider collection of such cases. A collection can only proceed from a single case analysis as such an analysis is required to determine what a particular action is an instance of (Psathas, 1995). Therefore, there follows a very detailed explication of one of the RJ conferences; ‘Connor and Robbie’, which involves Year 2 pupils and which lasts 5 minutes and 57 seconds.

The level of detail is for the purposes of familiarising the reader with the nature and course of a mini RJ conference in a primary school. It also serves to introduce the key conversation analytic tools which are used in this study, and to identify a set of principles which are orientated to by the participants, and which may also feature in the other conferences.

Teachers at the research school have been trained to manage conferences according to a set model, such that the 'work' of the conference is structured by the task of responding to each of the following questions:

- What happened?
- How did it make you feel?
- Who was affected and how?
- What are we going to do to try and fix it?
- What steps can we take so this doesn't happen next time?

Pupils have also received instruction on the above format, as well as opportunities to practise conferences. However, their familiarity with the format may be variable in the sense that it could depend on the number of times they have previously found themselves involved in a conference, as well as other factors such as how much attention was paid during input sessions, and even individual factors to do with ability and recall.

C1 was chosen for the initial explication because it contains examples of a range of features referred to in other conferences, as well as unique features of its own. It also involves some of the younger children, therefore processes and key features are highlighted and orientated to very clearly and explicitly by the teacher. It is also the conference which most cleanly maps on to the stages of the RJ 'script', as represented by the five questions.

#### **4.2.1 What happened? Connor**

The conflict in question has happened sometime in the very recent past, involving a disagreement which took place at lunchtime to do with computer games, resulting in one of the children being kicked. This conference involves a clear 'victim' and 'perpetrator' in terms of the use of physical aggression, however, the initial account given by the 'perpetrator' indicates that he perceives having been 'harmed' in some



way too, that is, by not being listened to during an earlier conversation; this is picked up by the teacher later in the conference.

Recording begins at the point of asking the first question:

### T.1.1

- 1 T: Right Connor did you kno::w (1.0) do you know why Robbie  
2 was (.)crying?
- 3 C: (4.0)
- 4 T: Wh- why was he crying.
- 5 C: Because of hurtin' 'im.
- 6 T: Because of ↑hurting him >okay wha- can you tell me what  
7 ↑haɪppe:ned
- 8 C: (0.6) I was saying to 'im (0.5) on Minecraft you have guns  
9 on there (0.5) an' he's sayin' you can't get them; and you  
10 can; and [an' an'=
- 11 T: [Wait turns
- 12 C: = an' on the Mods
- 13 T: Okay
- 14 C: And um you don't make um you don't make Mods (0.5) on  
15 Minecraft you just buy them.
- 16 T: Okay so is that why Robbie's cry:↑ing?
- 17 C: No I- I was saying that (0.1) an' then he wo- runnin' off  
18 still when I was tryin' a talk to °him°
- 19 T: Okay so: (1.5) y- when he ran off an' you were trying to  
20 talk to him what did you then do to make him cry.
- 21 C: (0.5) I was hurting him.

The teacher uses her initial turn to select Connor as the next speaker. During this turn there is a pause of one second, which would be long by the standards of 'everyday talk'. Such a pause is long enough to be interpreted as a 'transition relevance place' or TRP (Sacks, Schlegloff, & Jefferson, 1974), in ordinary conversation, that is, a point at which a turn could reasonably be constructed as having been finished, and speaker change might be appropriate. However, in the more formal setting of the school, the teacher as director of turns has 'maximum participation rights' (McHoul 1978), which

means she alone decides who can speak and when. Connor has been designated as next speaker, and therefore has to wait for the second part of the question before he can, and must, answer.

The long pause of four seconds, which is allowed for Connor to take up his turn, would be very long by conversational standards. This pause is finally interpreted as a repair-initiator by the teacher, prompting her to formulate a shorter, more focused version of her initial question in line 4. This constitutes the first part of an 'adjacency pair' (Sacks et al. 1974), which is completed by Connor's response in line 5. Utterances in conversation often occur in pairs like this, for example, greeting – greeting, question – answer (as in the case above). In education however, adjacency pairs are frequently extended into what has been called an 'utterance triad' (McHoul 1978), whereby an evaluative comment is added to form the third part of the sequence. Utterance triads frequently take the form of question-answer-comment; this particular utterance triad however is completed by a particular sort of evaluation in line 6, which has been termed a 'repeat receipt' (Greer, Bussinguer, Butterfield & Mischinger, 2009). Repeat receipts are sequences where a facilitator repeats all or part of a participant's contribution, and in so doing performs a function, which in this example is to 'accept' Connor's explanation. Repeat receipts are an important characteristic of this and all the other transcripts, and will be explored in more detail in section 4.5.1. In line 6 the repetition seems to be indicating the sufficiency of Connor's comment, as well as 'banking' what he has just said, in order to carry on moving through the tasks of the conference.

1

Around line 11, Robbie constructs disruption in Connor's flow as being a transition relevance place (TRP), that is, a place where it would be reasonable to change speaker in 'ordinary' conversation, and has to be explicitly reminded of the turn-taking protocol by the teacher in her meta commentary on the process (line 4).

Connor continues with his account from line 17, which constructs the teacher's question as 'missing the point', which for him is that Robbie ran off while he, Connor, was still talking to him. It may be, that in being asked to speak first, within the turn-taking protocol of RJ, Connor believed he was being constructed as the injured party, and he is therefore giving an account of his own grievance, which orientates to a wider, social 'rule' that somebody running off when another person is talking to them is accountable and sanctionable. This presents something of a problem for the teacher within the context and requirements of this particular conversation; without discounting

this rule, she must return to the task of the conference. 'Okay so' serves as a 'holding device' for the longish pause in line 19, which may give her the necessary thinking time to accomplish both these 'jobs' succinctly in lines 19 and 20; The question in line 20 is the fourth attempt to identify why Robbie was crying, however, a different approach is used this time: by acknowledging that Robbie did indeed run off, the teacher locates her question within the account as provided by Connor himself, and he is finally able to respond.

Connor's response at this point signifies a key moment in RJ: it is an admission of responsibility. In a reformulation of earlier talk, Connor has moved from "because of hurtin' 'im" line 5 to "I was hurting him" in line 21 and thereby acknowledges his own agency. It has taken a lot of work on the part of the teacher to get to this point, including repetition, supporting him to develop his own account and locating her question within his formulation of events.

#### **4.2.2 How did you feel? Connor**

##### **T.1.2**

- 1 T: You were >hurting him an'< how were you hurting him.
- 2 C: Um (.) nn(.)kicking him wiv my knee::
- 3 T: With your knee: (.)And why- how did you feel when you were
- 4 kicking him with your ↑knee?
- 5 C: (1.0)
- 6 T: How did you feel?
- 7 C: ↑Ha↓ppy
- 8 T: You felt happy that you were kicking him:? (0.6) Okay how
- 9 do you think Robbie felt
- 10 C: (1.0) sad.
- 11 T: Right.

This section deals with Connor's feelings and includes a number of repetitions by the teacher. In line 1 the nature of Connor's transgression is repeated twice, which may serve to 'bank' and underline the significance of his misdemeanour. It helps keep in mind the 'kicking' and 'hurting' which Connor has already accepted responsibility for, and may help lay the foundations for the 'remorse-forgiveness' dyad which occurs later.

In lines 3 and 4 the teacher repeats Connor's words "with your knee" twice. Unlike the earlier repetition, this seems to be for the sole purpose of using Connor's own words. This may be in order to give him as much ownership and sense of participation in the conference as possible.

The one second pause in line 5 is interpreted as Connor having failed to understand or respond, indicated by the reissuing of the question but this time stripped of its earlier context to a simple "how did you feel". This serves two functions; the question is now simpler to process, and its reissue emphasises that Connor has no alternative but to take up his turn, which he does straight away (line 7).

The repeat receipt in line 8 accepts that Connor felt 'happy' when doing the kicking, and acknowledges that he has fulfilled the requirement to supply a 'feelings' word, however, the teacher's reformulation and slight questioning intonation indicates that perhaps it is not a preferred response. The 0.6 pause could be a chance for Connor to supply more information but the teacher decides to move on to the next task of establishing how the other party felt, possibly in orientation towards time constraints, but also as part of the non-judgemental nature of her role.

Lines 8 to 11 conform to a 'question, answer, comment' utterance triad (McHoul, 1978), where the comment ('right') indicates that Connor's contribution, although minimal, has been deemed sufficient. Again this may reflect the teacher's orientation towards a time constraint and the need to press on with the tasks of the conference.

#### **4.2.3 What happened? Robbie**

##### **T.1.3**

- 1 T: Right (0.2) now you've had your turn come and sit over  
2 here for me? Robb:ie (2.0)
- 3 Jonny:: (.) we're just doing a conference;
- 4 Right (.) Robbie: now it's your turn to speak? (0.1)  
5 Connor?(.)he listened to you now you've got to listen.  
6 Con- Robbie will you tell me what happened?
- 7 R: Um Connor was grabbing me (.) so I tried to run away and  
8 get a tea:cher

9 T: Okay (.)and (.) when you walked away when he was trying  
 10 to talk to you about Minecra::ft (0.1)why did you walk away  
 11 from him;  
 12 R: Because we (0.5) it's- (0.1) because we weren' (0.5) on  
 13 that kind of thin:g we were playing normal sur↑vi↓val  
 14 Minecraft.  
 15 T: Okay so you didn't want to play anymore so you walked  
 16 away.  
 17 R: No:: (.) umm (1.2) we wer- we weren't downloading Mods we  
 18 were just(0.1)playin' sur↑vi↓val.  
 19 T: You were playing survival.  
 20 C: I know I'm [not even saying we were downloading Mods (0.2)  
 21 sayin' that (you can take a turn on it)  
 22 T: [Okay, So, how did you f- Connor (.) we take  
 23 turns  
 24 R: Oh (.) so er you me::an (0.2) you can (0.2) you can get  
 25 Mo:dsbu' we weren't playin tha- we weren't [downloading (0.2)  
 26 Mods  
 27 *[Jonny, shh shh]*  
 28 C: I mean you download it (.) but you can (.) er turn it off  
 29 an' I was just sayin' you can ↑get it.

This section now addresses the other child's perspective. Footage shows that this new section involves some physical repositioning and meta commentary on the turn-taking process (line 1-2). It also provides an opportune moment for the teacher to deal with noise outside the room which has been present for some time. Line 3 is significant because it shows that in this school 'conference' stands alone as a term which is understood by children in the corridor without any further explanation; evidence that it is part of the whole school culture and confirming its institutional reality. Line 5 identifies 'listening behaviour' as what you are doing when it is not your turn to talk, and thereby constructs 'not talking' as being a 'turn' at doing something else, thereby giving a very active sense to the role of 'listening', which is important for the success of RJ processes.

The section between lines 7 - 25 (above) is an interesting sequence because it displays two completely different perceptions about the reason for the conference, held by the teacher on one hand, and the two participants on the other. Robbie correctly

interprets the teacher's question (line 10) as a request for an account, however, he does not account for walking away in terms of being upset by Connor. Instead, he issues a denial of being involved in a certain type of activity on the computer, which he labels as "that kind of thing" as opposed to "normal survival Minecraft". He has constructed his turn as being a requirement to account for possibly illicit activities on Minecraft, in particular, participating in "that kind of thing". It seems that use of a 'why' question in line 10 was catalytic in prompting very subjective accounts and creating further work in terms of establishing the facts.

The teacher does not orientate to these subjective accounts however, and in line 14 formulates 'not wanting to play Minecraft' as a reason for walking away. Robbie rejects this formulation and treats it as a repair initiator. His "No:: um" indicates his intention to respond, but he requires 1.2 seconds of thinking time for this, before reformulating his previous "that kind of thing" which was insufficiently understood by the teacher as "downloading Mods".

It appears that Connor and Robbie anticipate the downloading of Mods as being sanctionable. This is evidenced in Robbie's three denials of downloading Mods, even though this information wasn't requested by the teacher; his initial reluctance to name it ("that kind of thing"), and Connor's violation of the turn-taking system in line 18 in order to deny having said they were downloading Mods. This is despite the fact that the teacher does not orientate to any aspect of the game other than as an activity they were engaged in when the incident took place, and she does not mention or orientate to 'downloads' at all. Robbie experiences a 'lightbulb' moment in line 21-22, where he appears to grasp that, despite his 'confession' (line 15) the teacher is not pursuing the issue of Mods. Video footage shows that his demeanour changes from this point from one of anxiety to one of marked relief; Robbie takes his hands away from his face and sits upright, he raises his eyebrows and looks directly at the teacher.

Nevertheless, the issue of Mods coincides with a disruption of the turn-allocation system; Connor self-selects twice to address Robbie in lines 18 and 24, violating the teacher's normative right to select the next speaker. However, there is no resulting sanction, contributing to evidence that the 'feel' of the RJ conference is less formal than that of ordinary classroom talk (McHoul, 1978).

#### **4.2.4 How did you feel? Robbie**

##### **T.1.4**

- 1 T: Okay (0.5) so (0.5) Robbie how did you fee:l (0.5) when  
2 Connor came and kicked you
- 3 R: And punched me
- 4 T: And punched you how did you feel
- 5 R: Um sad (0.5) and scared.
- 6 T: Sad and scared?
- 7 R: Yes when I was running a↑way from him
- 8 T: Yeah >an that's why you came to me< an' (.) Connor? (0.1)  
9 two of the Year 5 girls saw it and they came and told me  
10 as well  
11 (0.5)
- 12 C: ((nods))

Having issued a receipt for Connor's explanation in line 1 ('Okay'), the teacher introduces a change of pace, slowing things down with two intra-turn pauses, in order to move on to the second task of the conference. Robbie is selected as the next speaker and asked to describe how he felt, with tone change and slight volume increase to indicate special emphasis on the word 'feel'. Despite the question being phrased very clearly, Robbie chooses to delay supplying the second part of this adjacency pair until he feels the question has been supplied correctly. He prompts the teacher to issue a more accurate question by providing some additional information; "and punched me". The teacher responds to this additional information as a repair-initiator, and uses it to re-issue her question. This enables the course of the conference to continue and Robbie can now give a preferred response, in the form of some 'feelings' words. Again, the teacher's ready acceptance of his repair initiator signals that it is 'okay' to correct a teacher like this, contributing more evidence that this is less 'formal' talk than might traditionally be found in the classroom.

The teacher's repeat receipt, issued in line 4, skilfully repairs the question according to Robbie's perspective but frames it according to the task requirement of establishing how Robbie felt. As seen earlier with the issue of the 'Mods', the teacher is able to accept the issue of the 'punch', acknowledge its importance to the participants by incorporating it into her questions, but not let it detract from the requirements of the task. This action of the teacher's may be described as a kind of 'sifting', and was

frequently observed in this data set. 'Sifting' involves giving attention to information which is relevant to the task of the conference, and ignoring information which doesn't move the conference on. It seems to be an important part of meeting task requirements within a limited time frame.

The repeat receipt in line 6 uses a questioning intonation, suggesting the need for further information, which is indeed forthcoming in line 7. In lines 8 -10 the teacher brings in the testimony of bystanders. These lines amplify the seriousness of the situation by hinting that these girls were so concerned about what they saw that they took it upon themselves to come and find a teacher, underlining the severity of the aggression witnessed. Connor's nod (line 12) may be an acceptance of this.

#### **4.2.5 How are we going to fix this? Initial ideas**

##### **T.1.5**

- 1 T: .hh so Connor::? (0.6) How we gonna fix this.
- 2 C: Say so:rry?
- 3 T: (1.0) Hang on
- 4 ((teacher leaves to deal with noise outside classroom))
- 5 (4.0)
- 6 C: £Say sorry£ (1.0) a::nd (0.8) have a(.)handshake.
- 7 ((adult's voice outside: teacher returns)) (2.0)
- 8 T: How did you feel Co+nnor hh (.) (*We're just doing a*
- 9 *recording, Jonny*) How: (.) Connor?
- 10 C: Yeah?
- 11 T: How we gonna to fix ↓this (.) because (.) you were
- 12 incredibly violent to another person (.) you made them
- 13 cry:: (0.6) an' it was- (0.2) it seemed quite unfa::ir;
- 14 (.) Ho::w (.) are you going to fix this?
- 15 C: ((wipes nose)) say sorry (and agree a) handshake?
- 16 T: I think that's important to do:: (.)but I think(.) beca-
- 17 (.) we need ter (.) do something a little bit extra
- 18 because of what you've do:ne. Wha- wha' else could you do:
- 19 (.) to really show him:: (3.0)=
- 20 ((crying noise outside))
- 21 T: = that you want to fix the situation?



- 22 C: Don't do it again?
- 23 T: Definitely I think we're going to talk about that a bit
- 24 more in a minute

Again, 'so' and a pause is used to introduce the next task: how are we going to fix this? This is not perhaps the institutional 'we' meaning 'the school', but rather the 'we' of the current group; those in the conference.

The interruption in line 4 is interesting because even though the teacher has briefly left the room to deal with something in the corridor, Connor continues to answer the RJ questions in her absence, by looking into the camera and supplying his own ideas for reparation; "say sorry a::nd (0.8) have a handshake". The RJ conference has continued to exist, as orientated to by both boys, despite the temporary absence of the teacher. This too helps to confirm its institutional reality within the school.

There is some confusion when the teacher returns as she struggles to pick up from where she left off; she repeats a question which has already been dealt with, before telescoping it into an ambiguous 'how, Connor?' Connor's 'yeah?' in response to this is treated as a repair initiator by the teacher. What follows in lines 10 – 13 is interesting, because it seems to represent a kind of 'stepping out' of RJ talk, moving away from a facilitator role to condemn Connor's actions as 'incredibly violent'. This phenomenon of 'stepping out' was observed a number of times in the conferences under scrutiny, and refers to an apparent reversion on the teacher's part to a kind of talk which may be described as evaluative, or even judgemental, and possibly seeks to remind the child of the seriousness of their misdemeanour. In some ways this talk is 'pre restorative', in that it may reflect the kind of 'ticking off' teachers would have used to deal with disagreements prior to their training in restorative justice.

As part of this evaluation of Connor's actions as "incredibly violent", the teacher moves from use of the collective 'we' in her earlier question "how are we gonna fix this" to redesigning the question as "how are you going to fix this?" This move from 'we' to 'you' emphasises Connor's individual responsibility for making amends, as opposed to it being the collective task of the group. Again, this is in some ways 'pre restorative', as the phrasing of the question in the script is clear that this is a group responsibility.

Connor responds with a repetition of the suggestions offered in the teacher's absence (lines 5 and 14) but he is not sure about the sufficiency of these 'standard' suggestions

(sorry and a handshake), as indicated by his questioning prosody. Both Connor and the teacher are orientating towards sufficiency in terms of what can be offered by way of reparation. In lines 15-18 the teacher accepts Connor's suggestions as an appropriate, but insufficient response. Something more is required "because of what you've done". The choice of 'you' in this sentence serves to underline Connor's agency.

#### **4.2.6 How are we going to fix this? Going deeper**

##### **T.1.6**

- 1 R: What?
- 2 T: He says he's not going to do it again (0.2) but Connor?
- 3 C: Yeah?
- 4 T: You wanna say sorry (0.3) I think (.) wha' about if you
- 5 wrote him a card to really show him (1.2) Coz how do you
- 6 feel having se:en (0.4) Robbie cry.
- 7 C: I didn't [see him
- 8 T: [an' havin- (0.2) How do you fe:el now that you've
- 9 spoken to him and he told you that he was sca:red
- 10 C: Mmm
- 11 T: And he was upset
- 12 C: (5.8) °mmm(.)angry wi::th (2.5)((folds arms)) angry with
- 13 myself°
- 14 T: Sorry? You feel a bit-
- 15 C: °Angry with myself°
- 16 T: °A bit angry with yourself° so we can fix this can't we
- 17 an' you want to say sorry
- 18 R: And disappointed
- 19 T: And a bit disappointed (0.2) Coz Connor when you say that
- 20 people don't wanna play with ↓you sometimes (1.0) this
- 21 might be wh↑↓y (0.3) Connor? (0.1) so you wanna say sorry
- 22 to him and that's really [important;
- 23 [An' he said I'm (0.4)"come here you 'b'"
- 24 T: (.) Connor?(.) Would you like to- oh (0.1) you can say
- 25 sorry to him now so we practise saying sorry

- 26 C: Sorry
- 27 T: What are you sorry for?
- 28 C: °'itting him°
- 29 R: (0.2) I forgive you

In line 1, Robbie orientates to the teacher's absolute right to distribute turns by asking his question 'through' her rather than directly to Connor (this is a request for clarification "what?" and one of the only questions asked by a pupil in this data set).

The teacher moves straight on to ways of 'fixing' the situation. Ideally within RJ, ideas for reparation come from the participants themselves. However, there are constraints here due to limited time and possibly because the teacher is also monitoring the corridor. This may explain why the teacher suggests a 'reparation' exercise herself in lines 4-6. As part of this, she selects 3 words for special emphasis; 'card', 'show' and 'feel'. This may be in orientation to Connor's receptive language skills, or concentration levels, and serves to highlight key ideas for him and perhaps reduce demands on his language or concentration skills.

In line 7, we see Connor performing the same action that Robbie did in a previous section; he defers answering a question in order to establish factual accuracy in terms of what he actually 'saw' (he didn't, he insists, 'see' Robbie cry). As when Robbie wanted 'punched' to be included with 'kicked' in the teacher's question about feelings, the teacher responds to Connor's concern about accuracy as a repair initiator and re-issues her question to reflect the fact Robbie was scared; Connor may not previously have been aware of this and as such, this piece of information could play a key role in engendering empathy. Again, the teacher is clearly keen to accept pupils' views in terms of their need for factual accuracy, and rather than quibble about whether this is appropriate or not, she readily incorporates the pupils' perspectives into her question reformulations, and moves on. This 'sifting' technique seen earlier seems to be an essential part of 'keeping things going' and ensuring that all tasks of the conference are met within a limited time scale.

Connor's reflections in lines 12 and 13 are of great significance; they evidence the highest aspirations of any RJ process in that they evidence remorse (Hayes, 2006). This is indicated both verbally and non-verbally; Connor looks at the floor and speaks

very quietly. The long, turn-initial pause of 5.8 seconds, which would be highly unusual in 'ordinary' conversation, seems to have allowed some crucial thinking time for Connor, enabling him to name his feeling, and following a further two and a half second pause, he names himself as the object of his own anger. These pauses seem to have played an important role in allowing the expression of his remorse. The teacher's use of repeat receipts in lines 16 and 19 shows her empathy with these feelings; notably she downgrades his 'angry' to suggest he only need be 'a bit angry' with himself, and this is followed by a return to the more supportive collective 'we'. The teacher does not select a next speaker and at the end of the TCU Robbie adds "and disappointed". This is a 'supplied phrase' for Connor. It performs the function of helping Connor do his job (expressing remorse) and suggests Robbie may perceive some epistemological distance between himself and Connor and as such is aligning himself with the role of the teacher, also evidenced in his decision to speak despite not having had a turn allocated to him. Robbie's contribution is deemed acceptable by the teacher's use of a repeat receipt in line 19, however, Robbie's next attempt to emphasise his own role as the injured party in line 23 is perhaps a step too far and is ignored by the teacher as not contributing to the business in hand, in a further example of 'sifting'.

In lines 24-25, the teacher now deems Connor's 'sorry' as sufficient, in a way which it wasn't when offered initially. The crucial factor in this change has been Connor's demonstration of remorse. In this turn, the teacher describes this particular 'sorry' as a 'practice' sorry, which anticipates 'sorry' being used a lot more in the future. Robbie is prompted non-verbally to respond; his 'I forgive you' stands out as a rare example of one pupil directly addressing another, which seems to add to its impact. As mentioned earlier, Robbie now seems to be speaking from a place of some moral distance from Connor, as the clear 'victim' in this instance, and this enables him to be generous.

#### **4.2.7 How can we stop this happening again?**

##### **T.1.7**

- 1 T: How are we going to stop this happening (0.2) next time
- 2 when you feel angry how are we going to s::top you kicking
- 3 somebody.
- 4 C: °Mmm (.) mm
- 5 (2.8)
- 6 C: °kick some wall°
- 7 T: Sorry?

8 C: °Kick some wall°

9 T: Kick some::?

10 R: Kick the wall.

11 T: Okay (0.5) because a wall doesn't get hu:rt °as long as  
 12 you don't break something° or your foot (0.1) you could  
 13 take it out on Mr. Angry couldn't you? Or (0.2) get  
 14 cross with something [outsid::de

15 R: [Or:: (.) Erm (.) if you're about to do it (0.1) ((gets  
 16 up and goes to corner)) if you're ab<sup>↑</sup>out to do it again  
 17 (.) um (.) you ca::n (2.5) kick the ↑angry teddy

18 T: Brilliant. Right (.) Conno:r? (.) I think that we also  
 19 need to write an apology letter. When are you going to  
 20 write that apology letter?

21 C: Now

22 T: Not now because it's m::aths (.) so when you going to do  
 23 it

24 R: Lunch time

25 T: I think lunch time is a good idea=

26 C: I want to do it now

27 T: = coz tha- that way Robbie's got some paper to really show  
 28 it.

29 T: Right (0.4) d'you- feel- happy with the solution?

30 R: Yes

31 T: Do you feel happy Connor?

32 C: Yeah.

33 T: Brilliant (0.6) Shall we have a group hug?

34 R: I just said that! [I just!

35 T: [Come on!!! Group hug with monkey!

36 Brilliant!

37 ((giggles))

This section deals with the final task of the conference; working towards preventing a similar incident in future. In line 4 Connor both acknowledges his turn and indicates his intention to respond with 'mmm'. The long, shared pause of 2.8 seconds is significant; the teacher as creative director does not let Connor 'off the hook' either by speaking or re-allocating the turn. The pause is left as thinking time for Connor, which seems to work as it enables him to go beyond the perfunctory 'sorry' with his response and make an alternative suggestion ("kick some wall"). Connor's suggestion is made so quietly that the teacher must ask him to say it twice; Robbie again transcends the turn-allocation system to 'fix' the problem of 'not understanding' which has arisen, and in so doing repairs Connor's response in line 10 from 'kick some wall' to 'kick the wall'. Robbie appears to be taking on some aspects of the facilitator role, including allocating himself a turn at talk.

The teacher's lengthy receipt in lines 11 – 14 accepts Connor's suggestion, as it complies with an important job of RJ; that participants themselves generate alternative courses of future actions. Robbie then selects himself as next speaker to join in with the task of finding ways to stop this happening again. This action is positively received by the teacher even though, strictly speaking, it transcends the turn allocation system. It highlights the increasing asymmetry between the pupil participants at this point, with Connor now clearly the transgressor and Robbie increasingly aligned with the teacher.

The teacher identifies writing a letter as an important element of the conference, for the reason of 'having something to show' (lines 26-27). Neither boy has expressed the need for a letter. It may be that, by insisting on it, the teacher is orientating towards perceptions about what the school, and possibly the parents, might expect. This more formal interpretation of the situation has an impact on lexical choice, leading to a move from 'we' to 'you' regarding agency of writing the letter.

The end of this section orientates to the desirability of a positive ending; video footage shows that Connor is clearly not that happy with the 'solution' but acquiesces anyway in line 31 with a preferred response. The closing action of a group hug provides a positive, clear ending.

#### **4.2.8 Summary of explication of C1**

During the course of C1 the pupils have moved from a situation of confusion as to why the conference has been called, to one of clarity about the particular misdemeanour

that the institution of the school holds unacceptable (one pupil kicking another) with a distinct plan for reparation (an apology letter) and specific ideas about preventing its reoccurrence. This has all been achieved within 5 minutes and 57 seconds. A key feature of this particular conference is that the 'perpetrator' has been encouraged to reflect on his own feelings, and those of the other child, and this has helped him to demonstrate remorse authentically.

In order to achieve this in just under six minutes, the teacher has employed a number of tools including:

- Directing a turn-allocation system of medial type (Sacks et al. 1974) in terms of formality, whereby there is enough flexibility to enable the participants to make spontaneous contributions and seek clarification, whilst maintaining a clear structure around responding to the tasks of the conference
- 'Sifting' pupil contributions in order to highlight information which is most relevant to the conference goals (as represented by the five questions of the script). This is often achieved using receipts
- Drawing attention to the feelings associated with particular actions and experiences, as a platform for developing empathy.

The process of the conference has also been helped by its institutional reality within the school; the significance of 'a conference' is understood by a child who is not actually involved, but happens to be in the corridor (Jonny), and the conference is still orientated to by the participants even when the teacher has briefly left the room.

Key features of this and the other conferences will now be examined according to the areas proposed by Heritage (2004) using a template of subheadings which have been developed from the analysis of C1.

### **4.3 Turn-taking organisation**

#### **4.3.1 Teacher as director of turns**

Changeover of speaker needs to be managed locally by the participants in any conversation, 'ordinary' or institutional, and needs to be performed in a way which is sensitive to the context (Sacks et al. 1974). When facilitating RJ conferences, teachers take the lead in managing speaker change (turn-taking), however, this is not done as a 'job' in itself, rather, it occurs as part of an overt orientation to each of the

specific 'tasks' of the conference. Turn-allocation was most commonly achieved in this data set by the teacher selecting the next pupil speaker by name, at the beginning or the end of a question.

One of the ways that the robustness of the teacher's role as director of turns became apparent was when the teacher was asked to act as 'interpreter' so that the children didn't compromise the system by addressing each other directly. This was seen in section 4.3.6 of transcript 1, but also in C2:

T2

F: I've got a really funny [joke!

T: [O::kay well look at Nathaniel  
and tell him (.) see if you can make him laugh

In the example below: it is not enough for Nathaniel to agree that he will be asked 'what happened', he needs *actually* to be asked:

T2

T: I'm just going to ask you the first question (0.1) I'm just going to ask you what happened Nathaniel can I ask you first?

N: (nods)

T: 'kay can you tell me what happened my love?

Heritage (2004) observes that a special turn-taking organisation becomes most apparent when there is a departure from it, and that such a departure may incur a sanction. Sanctions "tell us that the turn-taking is being oriented to normatively in its own right" (Heritage 2004 p.226). In none of the RJ conferences under scrutiny did breach of the turn-taking system draw negative attention, other than gentle reminders about protocol which were used on occasion. In the example below, the pupils address each other directly in a collaborative way to sort out the 'facts'. This is not questioned by the teacher and is therefore deemed to be 'allowed':

T4

H: I've be- I basically we were havin' really good fun (.) me an' Dylan got in our group (0.2) Um (.) her- ((turns to Erin)) Was it you and Amelie?

E: [No Kya

H: [No it was you an Kya wan it? ((turns back)) It was her and Kya, yeah?



This 'current speaker selects next' format is seen on two other occasions in C4 but not in the other conferences, perhaps because C4 involves three rather than two pupil participants, and a more flexible turn-allocation system is required. However, during one of the last task requirements of this conference (making sure that 'it doesn't happen again') the flexibility of turn-taking became problematic; by this stage the children seem to be in the throes of creative problem solving and are in no hurry to draw things to a close. The teacher alone is aware of pressures of time and has to battle against individual agendas in order to move towards a conclusion. Use of closed questions with a tag in line 2-3, and again in 29 - 30 suggests that the teacher is taking a collaborative stance. However, with the teacher in the role of collaborator rather than facilitator, the turn-allocation system has broken down, as indicated by the high frequency of overlapping talk, and the struggle to 'wind things up'.

T4

- 1 T: Fantastic (0.1) excellent (0.1) so on the ne:xt tri:p
- 2 (0.4) when we go out (0.2) we could make sure this doesn't
- 3 happen again ↑couldn't we
- 4 C: Bu' also it would take too [long to do everyb- body
- 5 everybody in the class
- 6 H: [No it won't (0.1) no =
- 7 T: [Well if we made a-
- 8 if we you made a whole- if we made thirty sorry card an-
- 9 cards=
- 10 H: [=no (.) no graffiti (.) graffiti]
- 11 T: = okay so maybe on your time out of class Hayden you could
- 12 spend that making (0.2) a picture or [something (0.1)
- 13 ↑yeah?
- 14 H: [All (.) all (.) all
- 15 I have to do is (.) like (( makes arc in the air with
- 16 right hand)) get that man to do gr- (.) sorry graffiti an'
- 17 like graffiti sorry
- 18 T: [Okay
- 19 C: [I'd like to do that (.) that's not fair
- 20 T: Okay so:: (.) you could maybe use your time? (0.2) Erin
- 21 you were sayin' >an- an'< I think Erin's suggestion about
- 22 (0.1) on the next trip=

- 23 H: [Cuz I fink
- 24 T: = making sure it doesn't ↑happen is a [really good plan
- 25 H: [Cuz (.) cuz I
- 26 ↑fink that we might be doing sweeping again today I don't
- 27 kno:w
- 28 C: Cos also-
- 29 E: Fridays it's fursday today [*can't hear*
- 30 H: [I know (.) tomorrow I said
- 31 T: [It's on the Friday it's on
- 32 Friday but I'm not sure if he's in Hayden (0.4) so
- 33 (0.1) on the next trip are we gonna (.) ma- ensure that
- 34 this doesn't happen again?

Further authentication of the teacher's role as director of turns is provided by examples from the video footage in each conference of pupils showing deference to the turn-allocation system by making non-verbal gestures during the talk of others, most commonly head shaking or nodding, which is a device that allows them to express an opinion without disrupting the system through violation of another's turn.

### **4.3.2 Formality**

Examination of the turn-taking system suggests that in terms of formality RJ conferences from this data set seem to be of 'medial' type (Sacks et al. 1974: 729), whereby the allocation of turns is performed by a mixture of pre-allocated and locally-allocated means, therefore sitting between 'ordinary' conversation and teacher-led classroom talk, as demonstrated by comparison with McHoul's three technical differences between classroom talk and natural conversation:

- (1) The potential for gap and pause is maximized
- (2) The potential for overlap is minimized in that:
  - (a) the possibility of the teacher (or a student) 'opening up' the talk to a self-selecting student first starter is not accounted for
  - (b) the possibility of a student using a 'current speaker selects next' technique to select another student is not accounted for.
- (3) The permutability of turn-taking is minimized.

(McHoul 1978, p. 189)

All the conferences evidenced some intra turn pauses, overlaps and interruptions. Also, the teachers did allow the 'opening up' of the talk at various points to a self-selecting pupil self-starter, as in line 3 of the example below.

- T4
- 1 T: Okay (.) so:: (.) .6) sounds to me (0.6) like we don't  
 2 really know (0.2) where it started?
- 3 C: It started on the coach when (0.2) um (0.1) Erin was  
 4 whisperin' to me
- 5 H: ((points and shakes head))
- 6 T: Okay and what [was Erin...
- 7 E: [It wasn't about Hayden
- 8 C: [It it it it wasn't about Hayden >it was  
 9 about<
- 10 T: [Okay

Callum uses a powerful device in line 7 which serves to help him 'hold the floor'; it presents as a stammer whose purpose seems to be to 'cancel out' Erin, because it is not her turn (no stammer or disfluency is noted elsewhere in Callum's speech). There is another interesting example of overlap from the same conference below:

- T4
- 1 C: Oh [yeah wha- (.) wha' like
- 2 E: [Uh I wanna be in Callum's group?
- 3 T: Okay so Erin was whispering to Callum on [the coach (1.0)  
 4 and..
- 5 C: [Like o-
- 6 I just thought it was about me so I just ignored 'em and  
 7 just kept on walking
- 8 E: [It weren't about me because I wanted to..
- 9 T: [I seeeeeeeee (1.0)
- 10 Oka:y so(0.4)Hayden got upset cos he thought you were  
 11 whispering about him and that's when the name-calling  
 12 started?

This occurrence seems to be precipitated by Erin's perception of some problems in progressivity in Callum's turn in line 1. However, he insists on asserting his own perception. In lines 5 - 7 the teacher elongates "I seeeeeee" as a device for overriding

the overlapping talk. 'Okay so' with an upward intonation functions to call a halt, and indeed they do stop talking.

### **4.3.3 Opting out of the turn-taking system / dispreferred responses**

It has been suggested that RJ conferences at the research school are of a 'medial' type in terms of formality; more formal than 'ordinary' conversation but less formal than classroom talk. This level of formality allows scope for pupils to 'opt out' of turns, using a range of techniques. For example, turns can be declined:

- T3
- 1 T: so I'll start with Jamil an' you can explain to me wha'  
2 happened.
- 3 J: ((shakes head))
- 4 T: ↓N↑o? Start with ↑Kara ↑yeah? Ok Kara d'you wanna start.

Although there is slight surprise in the questioning intonation of the teacher's response, Jamil's opt out is not sanctioned and there is no pause before she moves on to the next participant, suggesting this is not problematic for her.

Pupils can also opt out by giving a dispreferred response:

- T3
- 1 T: So I th↑ink (0.2) saying sorry to each other would be a  
2 good sta:rt (0.1) Jamil would you like to ↑start?=  
3 J: [Shrug] = we already have  
4 T: (0.6) let's do it again (0.1) jus' to [ensure  
5 J: [°Sorry°  
6 K: Sorry

In the example above Jamil fulfils the requirement to take his turn, but does so in a muted way and not in the allocated space, but at same time as the teacher is speaking. Jamil's response contrasts with Kara's, she spontaneously takes up her turn with the preferred response; 'sorry'.

In the extract from C2 below, Nathaniel is asked what type of reparation would make him feel better about being called a rude name by Freya; he requests an apology. However, after initially agreeing, Freya changes her mind:

## T2

- 1 N: °Say sorry°.
- 2 T: If she said sorry to you (.) okay (.) so she'd need to  
 3 look at your face wouldn't she and need to make sure she's  
 4 talking to yo:u (.) Would you be ↑happy to say sorry to  
 5 [Nathaniel?
- 6 F: [((nods))
- 7 T: [Okay
- 8 F: [((Shakes head))
- 9 T: = .hh You ↑wouldn't? (.) Well that's a shame because (1.0)  
 10 Do you need to fix it (1.5) ↑How else do you make people  
 11 feel better.
- 12 F: Mmm (0.2) jokes;
- 13 T: Tell him a ↑joke? (.) Do you think ↑that might make you  
 14 feel better Nathaniel(.)=
- 15 N: ((slight nod))
- 16 T: =if she made you ↑lau↓gh ( ) Okay, have you ↑got a good  
 17 ↓joke?

Freya is not sanctioned for her outright refusal and the teacher moves on straight away with an open question in line 8 to elicit alternative ways of making things better.

Fortunately Nathaniel agrees to Freya's unorthodox suggestion of telling a joke, and the conference can progress.

There is an example of outright disagreement with the teacher in C4 below, where Callum insists that he only ran away from his group once rather than repeatedly. As in C1, where both Robbie and Callum at different times insisted on a question being factually accurate before they could respond, the teacher here accepts the need for factual accuracy because it is important to the child, rather than being important to the business of the conference. She accepts Callum's point warmly before moving straight on to the important point, which is that teachers were taken away from their groups in order to search for missing children.

## T4

- 1 T: Because we had to keep stoppi::ng (.) and waiting for the  
 2 three of ↓you. ( ).4 Do you understand [that?

- 3 C: [No ↑I don't I've: I've run off ↓once an'  
 4 that's it
- 5 T: Yeah an' I comple::tely agree but who came and found you  
 6 Callum?

This acceptance; "I completely agree" is consistent with much of the teacher's 'work' all the way through which is to treat the establishment of who was guilty, and degrees of guilt, as not being the real business of the conference; the real business is establishing how people feel and how they have been affected.

Another reason for possibly not taking a turn could be to do with lack of confidence or lack of skills to provide a verbal contribution. This may have been the case in C2 where a year one pupil is supported to take his turn through the use of cuing in:

- T2
- 1 T: It made you feel ↑sad I'm not sur↑prised. (1.2) So (1.0) it  
 2 didn't hurt your ↑bo↓dy but it hurt you::r
- 3 N: (1.0)
- 4 T: ↑feelings ↑didn't it
- 5 N: ((slight nod))

#### 4.4 Overall structural organisation of the interaction

The four mini conferences in this study have a number of tasks to perform within a very limited time-frame. They each managed to accomplish all of the tasks in timeframes between 5:25 and 8:47 minutes. These tasks were described in section 4.2, in the form of the five questions which the teacher-facilitator is required to put to the pupils and which are repeated below:

1. What happened?
2. How did it make you feel?
3. Who was affected and how?
4. What are we going to do to try and fix it?
5. What steps can we take so this doesn't happen next time?

There are examples in each of the transcripts of both pupils and teachers explicitly orientating to these questions as sub-goals. The clusters of activity that were observed

suggest that questions 1 to 3 were often dealt with together as a unit, involving some movement back and forth between them. This initial 'unit' does the important job of gaining consensus on what had happened and acknowledging the feelings involved, before moving on to the second and third 'tasks', represented by questions 4 and 5 respectively, which are forward looking, solution focused, and serve a preventative function.

The structural organisation of the mini conferences, in terms of the occurrence of clusters of activity, was observed to be broadly as follows:

1. Opener
2. Establishing what happened and how the events in question made the children feel
3. Eliciting ideas to fix things and prevent reoccurrence ('ways forward')
4. Clarification of a key learning point
5. Dismissal

Each of these areas of activity will now be examined individually.

#### **4.4.1 Opener**

The exact point at which to begin recording the conference was left to the discretion of individual teachers. However, conferences usually recorded 'openers', where the teacher briefly identifies why everyone is assembled, as in C3 and C2 below:

T3

T: Ok so w::e a::re here to talk about (.) the incident that happen::ed last week, (.) between the two of you >an' I realise that other< children were in↓vo↑lved (0.6) but (.)from wha' I can understand (0.4) it was betwe- the majority was between ↓you ↑two

T2

T: Alright so I've called you in he::re(0.2) because Nathaniel just come up to Mrs. Price (0.2) and he didn't look very ↓happy

Such openers did not give enough detail to function as an explanation or justification for the conferences happening, rather they served to signal the 'start' of the process and the move from 'settling down' to 'beginning'. They also help to signify the forthcoming conversation as a 'RJ conference'. Openers swiftly move to the business

of 'what happened', before consideration was given as to how people were affected and the feelings involved.

#### **4.4.2 Establishing what happened and how the events in question made the children feel**

This area was addressed by questions one, two and three of the given 'script', and reflects how the critical factors of what happened, who was affected and how they were affected were inextricably bound and could not really be considered separately. The task of establishing what happened and how the events in question made the children feel

formed the 'meat' of the work of the conferences, and the question which heralded the 'end' of this phase ("how are we going to fix this") did not usually appear until at least half way through. Even then, references to actions and feelings remained ongoing. Therefore rather than being illustrated by particular extracts from the conferences, this section is represented by approximately the first half of each conference.

#### **4.4.3 Ways forward**

Questions four and five of the script were addressed together, in order to identify positive ways of dealing with similar situations in the future. In the last sequence of C4, the teacher consolidates the agreements which have been made so far; ('ensure this doesn't happen again'; 'we're all friends' and 'we've all apologised') and then requires each child to acknowledge this individually.

- 1 T: So (0.1) on the next trip are we gonna (.) ma- ensure  
2 that this doesn't happen again?
- 3 H: [Mm
- 4 C: [Mm
- 5 T: Callum?
- 6 C: Yeah
- 7 T: [Hayden? (0.1) Erin?  
8 ((nods))
- 9 T: Excellent (0.1) and we're all friends as well? =  
10 Yeah



- 11 T: = you've all apologised to each other?  
 12 Yeah  
 13 T: Excellent (.)okay

In this extract there is little requirement that understanding or commitment is demonstrated beyond a perfunctory response due to time constraints. This is in contrast to the ways forward which were identified in C1, where strategies are suggested and demonstrated by Robbie, then discussed and appreciated by the group and in a sense 'internalised'.

#### **4.4.4 Clarification of a key learning point**

This stage was present in each of the conferences, despite not being required by the script. Prior to dismissal, each of the teachers identified and summarised something they would like the children to learn and take away from the conference, with a view to helping avoid similar incidents in the future. This functioned as a way of doing the inferential work for the children and leaving nothing to chance. In C1, the teacher suggested that 'not playing nicely' could lead to other children not wanting to play with you.

The learning point in C2 is 'not using the adjective 'smelly' to describe another child'. The teacher not only identifies this explicitly, but encourages some practice of using alternatives:

- T2  
 1 T: Yeah you didn't need the adjective did you Freya (0.1) no  
 2 (0.5) And if you were going to use an adjective you could  
 3 choose a nice friendly one. (0.6) Can you think of a  
 4 friendly adjective to use (0.8) to describe Nathaniel?

In C3 the learning point is delivered after a pause, which might have been orchestrated by the teacher as 'thinking time'. It is a functional, pragmatic point, applicable both inside and outside school, and corresponds to 'whether you like someone or not, you still have to be polite'.

- T3  
 1 (0.4)

2 T: There is ways to be around each other that's polite (0.2)  
 3 and acceptable (0.4) doesn't me::an I'm going to make you  
 4 be friends.

5 K: ((nods))

6 T: But you two have to learn (0.4) to be able to go to school  
 7 together. (0.8) And (.)be on that playground together. (.)  
 8 Or be in the classroom (.) together. (.) Is that clear.

C4 is slightly different because the 'learning point' permeates the whole conference, rather than just occurring at the end. The 'moral' in this case is that poor choices can affect everyone. This is treated by the teacher as an important point and all through the conference she sifts the contributions of the pupils to this end. It is raised in this way several times before a final summary displays the inferential work for the pupils explicitly.

#### T4

1 T: ↑Yeah (0.4) Tha' actually your actions ha- (0.2) although  
 2 it affects the three of you mo:st (0.1) and I can  
 3 completely understand why you were so upse:t (0.8)  
 4 actually (0.2) your actions on that day (0.1) had con-  
 5 >bigger consequences< (0.2) on the whole class  
 6 (0.2)

7 T: Okay (.) An' it's easier to deal with things like that on  
 8 the playground ↑isn't it cos there's one adult who can  
 9 come and sit with yo:u (0.2) an' everyone else (.) doesn't  
 10 need those adults they adults can be- be out on the  
 11 ↓playground (0.6) But when we're on pla- we're on  
 12 trips like that (0.8) i' affects everyone  
 13 (0.6)

14 T: Can you just a- acc- nod and say you accept that (.) An'  
 15 understand that=

This inferential work takes the form of a teacher monologue. Tools which are brought to bear include; the use of pauses to allow for thinking time; explicit emphasis on the teacher's understanding of the pupils' feelings; comparison of expectations about behaviour in the playground versus behaviour on trips; and an explicit request that understanding is indicated. Only minimal receipts are required – a nod will do.

Silence is of course, a response in itself, and by choosing not to say 'yes', either verbally or non-verbally, each child's silence could indicate a stoic refusal to agree with the teacher, or a penitent acknowledgement of the extent of their misdemeanour. Either way, it demonstrates that not taking up a turn can be a positive choice within the teacher-directed turn-allocation system.

#### **4.4.5 Dismissal**

All four conferences record a dismissal before the camera is turned off. Two are decidedly upbeat, as was seen in C1 and is shown in C2 below:

T2

T: Oh! Is that a nice cuddle Nathaniel? Fantastic (.) °Okay°  
(.)Let's go back to class then shall we?

One is positive;

T4

T: Excellent (0.1) and we're all friends as well? =  
Yeah

T: = you've all apologised to each other?  
Yeah

T: Excellent (.)okay

While one is more muted:

T3

T: Is that clear.  
(0.4)

T: Okay? (.) Right.(0.2) Let's go back to class.

Within this data set, more positive dismissals occurred when a specific issue had been resolved. C3 however was not so much about a specific issue as about ongoing problems to do with the relationship between two pupils, and as such may represent a more complex piece of work.

#### **4.5 Sequence organisation**

The analysis of sequences involves looking at:

*“how particular courses of action are initiated and progressed and, as part of this, how particular action opportunities are opened up and activated, or withheld from and occluded”*

*Heritage (2004 p.230)*

It has already been suggested that a significant feature of the teacher's role is to be discriminating about which features of pupil talk are 'activated' and which are 'occluded' in order to keep the conference moving towards its goals and not be side tracked with irrelevancies. The turn-allocation system, with the teacher as creative director of turns, is a key tool for doing this. Another tool is the use of receipts. As mentioned previously, a 'receipt' is a minimal turn at talk which shows someone is listening, and may include such tokens as 'aha' or 'okay'. Receipts can indicate evaluation of a prior turn, such as 'wow' or 'good'.

#### **4.5.1 Repeat receipts**

Greer et al. (2009) define repeat receipts as turns at talk where one speaker repeats all or part of what the prior speaker has just said, in a practice which gives the speaker continuous feedback about the recipient's understanding. Evaluations in the form of a repeat receipt place the speaker in the role of 'listener'. This may explain why repeat receipts are so prevalent in RJ conferences; they help facilitate the key task of allowing all parties to feel 'heard' because there is something intrinsically affiliative about repeating another person's words. Feeling 'heard' may make it easier for participants to take up their turn to listen to somebody else.

In the example below, the repetition of 'run off' by the teacher helps indicate reciprocity:

- T4:
- 1 E: I didn't I didn't run off [I were
- 2 C: [I didn't 'ave to come down (.)
- 3 I were
- 4 T: [No you didn't run off far did you no: (.) it wasn't like
- 5 you ran off fa:r (.) but (0.6) what do you think we had to
- 6 do (0.2) as a class (0.1) if: (0.2) one of you ran
- 7 a↑way?

In a further example from C3, the teacher uses RRs to indicate reciprocity, serving to help Jamil feel 'heard'. It involves a slight re-formulation of Jamil's original words:

T3:

- 1 J: I came in (0.4) an' like everyone was sayin (1.1) Kara  
 2 like (0.8)spreading out everything ta everybody.
- 3 T: And what was she spre- (0.2)ss: (.) spreadi::ng? (0.2)  
 4 what was she saying.=
- 5 J: =Somethink about me.
- 6 T: Something about you okay

In C2 the teacher uses RRs (in lines 2 and 8) to show understanding of what Freya has said and to build upon and guide her thinking, with the use of language which is quite directive (lines 5 – 6):

- T2
- 1 F: Be- (.) because it's mea:n.
- 2 T: It is mean an (0.4) .hh how would you feel if someone  
 3 called you smelly Freya?
- 4 F: (.) really upset ((sad face, protruding lower lip))
- 5 T: Mmm .hh so sometimes before you speak; (.) what do you  
 6 have to do fi::rst (.) with your brai:n
- 7 F: Think
- 8 T: Think (0.1) good girl

As well as indicating reciprocity, the repeat receipts observed in this data set were also useful tools for the teacher to highlight information which is relevant to the task of the conference. In market research focus groups, Puchta & Potter (2004) found that the repeat receipt had several functions, but principally served as a device for shaping group interactions to generate visible data for an overhearing audience. Although an overhearing audience is not usually a prime concern in RJ in the way that it is in focus groups (i.e. the commissioner of the focus group who may have a financial interest in the data generated), it may be that repeat receipts performed by the teacher-facilitator serve to highlight key words for all parties, in particular those words which help propel the interaction towards meeting the specific goals of RJ. Similarly, words and phrases which the teacher deems to be superfluous, or indeed distracting, are ignored with a view to extinguishing them.

This constant ‘sifting’ of relevant from irrelevant information has already been described as one of the key tasks of the teacher-facilitator, and is frequently evidenced in the data. For example, in C2 the teacher issues a receipt in the form of a drawn out ‘okay’, for an account which positively evaluates the child’s decision to tell the truth, rather than the content of her account.

T2

- 1 F: Well(1.0)I was sitting next to Nathaniel Lauren wanted to  
2 sit next to m:e (0.1)an I said (1.2) you’re sat next to  
3 smelly Nathaniel and then (.) .hh we mo:ved.
- 4 T: O::kay so I’m ↑really pleased that you’re telling me the  
5 tru::th that’s >really really< grown up good gi::rl .hh

#### **4.5.2 Initiation Response Evaluations**

Receipts can also show how pupils and teachers are mutually orientated towards ‘sufficiency’ in terms of meeting the sub goals of each RJ conference. The effect of the receipt can be adjusted by the use of prosody; rising intonation may indicate that what is being said is perhaps problematic and seeks to elicit further information or repair, whereas a falling intonation can indicate sufficiency.

Some receipts, including repeat receipts, occur within sequences where the teacher asks a question to which she knows the answer, then evaluates the response in terms of its ‘correctness’. These sequences have been described as ‘initiation-response-evaluations’ or ‘IRE’ sequences (Sinclair & Coulthard, 1975; McHoul, 1978): IREs have been linked to low levels of pupil communicative engagement, as they may function to close down pupils’ participation (see Margutti & Drew, 2014, for a review of research in this area). Because IREs cast the teacher as ‘primary knower’, they can lead to short, unelaborated answers (Sinclair & Coulthard 1975). This was evident in the research data, as in the example below:

T3

- 1 T: ) So Jamil what do you think you should have done  
2 instead.
- 3 K: (0.8) walked away?
- 4 T: An’ then (0.1) [if you were really upset-
- 5 K: [talk to a teacher

6 T: Talk to a teacher (.) cos who's out there on the  
 7 playground  
 8 (0.8)  
 9 T: Who could you talk to out there?  
 10 J: Dinner lady?  
 11 T: Dinner lady:: (.) there's teachers out there (0.1) An' if  
 12 you can't find anyone out there (0.6) wha' else could you  
 13 do  
 14 J: Go inside?  
 15 T: Go inside.

Throughout this sequence all the pupil's responses have questioning prosody. Teacher's turns are designed to elicit the 'correct' answer which, when it appears, is confirmed with a repeat receipt with a falling intonation; as in lines 5, 9 and 11.

Evaluations in IREs do not need to involve repetition, as shown in the extract below:

T3  
 1 T: So where did Mrs. Brown's ↓group go?  
 2 C: Wi' Mr. West?  
 3 T: D'you understand wha' I'm saying?  
 4 (0.6)

Here, an open question is followed by a tentative response (indicated by questioning prosody) but the one line evaluation in line 3 does a complex job, it simultaneously accepts the response as correct whilst drawing attention to the consequences of the children's actions; that Mrs. Brown's group were effectively left without a teacher and had to go with Mr. Wilkins. The teacher clearly expects that some kind of cognitive event has occurred for the pupil during his response in line 2; some degree of analysis or synthesis will have occurred which will enable him to appreciate "what I'm saying" (line 3) which is that a group of children was left unattended as a direct result of his actions.

Teacher evaluations are such a well-established part of classroom life that, when they are withheld, their absence can prompt students to revise or change their answers, evidencing the strong degree to which students orientate towards them (McHoul,

1978). In the extract below, Kara makes attempts to provide the 'known answer' for the teacher ('explaining what happened to her'). After suggesting that she might have had to 'say' something (line 5), there is a pause in anticipation of a receipt from the teacher. When it is unforthcoming, Kara falters and gives up:

- T3
- 1 T: Howe::r (.) we've already had our consequences (0.4)
  - 2 Kara can you explain wha' ha- wha' happened to you? =
  - 3 K: Um-
  - 4 T: =what did you have to do.
  - 5 K: Um:: (.) I had to go and say (0.4) °no°.
  - 6 T: °You had to s-°
  - 7 K: I had to s::tay in isolation for- (.) no.(.) £I don' know
  - 8 T: >Wha've you been doing this week.<
  - 9 K: ( )
  - 10 J: °doin' anything°
  - 11 K: Stayin' in
  - 12 T: Right (.) an' Jamil what happened to you.

This sequence is about the pursuit, by a pupil, of a 'correct' answer known to the teacher. It is also about a public display of 'consequences' which have already been incurred, suggesting this conference is seen as something 'additional' rather than as a main means of administering 'justice'. It is important to the teacher that the answer comes from Kara herself in order to demonstrate that she has understood the earlier 'consequence'; if it was not understood and remembered it would not have been meaningful. Therefore the fact that Kara appears not to remember the consequence generates a problem, one that is eventually solved by Jamil who 'whispers the answer' (line 10).

The following sequence from C4 also uses an IRE structure in pursuit of a known answer, where pupil responses are evaluated as appropriate but insufficient. Teacher questioning is used as a guide towards the 'correct' answer.

T4



- 1 T: Okay (.) so (0.2) who do you think was affected by this?  
 2 (1.2)  
 3 T: This [event?  
 4 C: [Us  
 5 T: The three of you (.) yeah. (0.4) Who else (.) was affected  
 6 by this?  
 7 C: Teachers  
 8 T: Yeah-p (0.6) but who else?

Clearly sequences involving receipts perform a wide range of complex functions including showing reciprocity and affiliation to help participants feel 'heard', indicating sufficiency and appropriacy of pupils' responses and drawing attention to information which is instrumental to the tasks of the conference.

#### **4.6 Turn design**

Turn design in speech refers to two distinct selections that the speaker makes; the action to be performed and the means by which to do it (Drew & Heritage, 1992a). The most common 'action' 'in conferences under scrutiny was the asking and answering of questions; where questions were almost always posed by the teacher and answered by the pupil. The use of questions was the prime means by which the participants moved through the tasks of the conference, as represented by the five questions in the script (see section 4.2). Many of the salient issues to do with the use of questions have been addressed in the section on 'turn-taking organisation' (4.3). Other actions included; giving accounts, displaying learning (the 'moral' of the conference), providing judgements / evaluations about behaviour ('stepping out' of restorative talk) and 'voicing up', or speaking on behalf of another participant.

##### **4.6.1 Teacher talk**

Teachers direct the turn-allocation system and a key tool to do so is the use of questions. Just over half of the teacher turns in C1 were direct questions (that is, designed to seek information rather than being directions or suggestions which are structured as questions). This pattern was born out in the other conferences; (60% in C2, 53% in C3 and 54% in C4). Teacher turns which were not direct questions took a variety of forms including repeat receipts, suggestions, and evaluations of pupil suggestions, as part of an IRE format. Many teacher questions involve the use of the

'current speaker selects next' technique. Unlike everyday conversation, the selected next speaker is not only entitled, but obliged to speak next. However, there were a number of examples when this obligation was declined without sanction (see 'opting out of turn-taking' 4.3.3).

It is worth noting that the use of direct questions may be a useful technique to encourage and allow participation; although limiting in one way it does mean that there is less demand on the pupils receptive language skills, in making it very clear what is expected.

If the teacher's turn-so-far is designed in such a way that a 'next speaker' is not selected, then gaps will not be constructed by the pupil participants as TRPs, and the teacher is able to continue speaking despite quite lengthy gaps (which would be TRPs in 'ordinary' conversation). This design was often seen when the teacher was summing up a key learning point. In these instances the gaps may also have served to allow 'thinking time':

T1

T: And a bit disappointed (0.2) Coz Connor when you say that people don't wanna play with ↓you sometimes (1.0) this might be wh↑↓y (0.3) Connor? (0.1) so you wanna say sorry to him and that's really [important;

T3

T: No? >You don't want to be in isolation you don't want to be excluded. (.) No. (0.4) So we need to make sure that this doesn't happen again. (0.8) So I th↑ink (0.2) saying sorry to each other would be a good sta:rt (0.1) Jamil would you like to start?=  
<

T4

T: ↑Yeah (0.4) Tha' actually your actions ha- (0.2) although it affects the three of you mo:st (0.1) and I can completely understand why you were so upse:t (0.8) actually (0.2) your actions on that day (0.1) had con->bigger consequences< (0.2) on the whole class

The following extract is an example of the teacher supporting pupil language difficulties by designing her question very tentatively, possibly to encourage a more reticent pupil. This reticence may be explained by his apparent difficulty constructing his account, and the teacher's question design reflects sensitivity to this. Her initial question is designed as 'informal' and may therefore be giving permission for a less formal answer.

T3

- 1 T: Yeah; Okay Jamil ( ) why don't you tell me (.)wha' (0.4)  
2 >your sor' of side of that is<.
- 3 J: ((nods)) (.) Um ↑basica↓lly (1.0) um I wasn't goin' a' be  
4 at lunch (.)I came in (0.4) an' like everyone was sayin  
5 (1.1) Kara like (0.8)spreading out everything ta  
6 everybody.
- 7 T: And what was she spre- (0.2)ss: (.) spreadi::ng? (0.2)  
8 what was she saying.=
- 9 J: =Somethink about me.
- 10 T: Something about you okay U::mm(.) did you hear Kara say it  
11 yourself? (.) Or was it just something that other people  
12 were telling you that Kara was saying it
- 13 J: Yeah (.) um an' an everyone said ( )Kara (.) arr was  
14 spreadin it all around.
- 15 T: Ok↓ay

In lines 9 – 10 she again seeks to support Jamil by presenting two alternatives to choose from, rather than him being expected to describe the scenario 'from scratch'. This approach is successful, as in Jamil's next turn (lines 12 – 13) he responds to this structure and is able to select the second of these alternatives.

#### **4.6.2 Problematic questions**

While it is not a goal of the research to evaluate particular questions as 'good' or 'bad', some formats in this data set were observed to be more problematic than others in terms of completing the tasks of the RJ conference. For example, it was shown in the explication of transcript 1 how the use of a 'why' question was inefficient because, in prompting a subjective 'account' it seemed to encourage a justification of the initial misdemeanour (section 4.2.1). The desired information was only obtained when the initial question was reformulated from "why did you..." to "what did you...."

The exchange below shows how a child's account, which was requested by the teacher, turns out to be problematic in that it re-exposes the 'victim' to the original offence of a verbal insult:

T2

- 1 T: Freya can ↑you tell me what happened.

2 F: Well (1.0) I was sitting next to Nathaniel Lauren wanted to  
 3 sit next to m:e (0.1) an I said (1.2) you're sat next to  
 4 smelly Nathaniel and then (.) .hh we mo:ved.

As seen in the previous section, the teacher dealt with this skilfully by highlighting the truthfulness of the response rather than its actual content, thereby switching focus from the hurtful language to the function of the account (to relate what happened).

In the extract below from the same conference, a hypothetical 'should' question causes difficulties for the pupil concerned, perhaps because of her young age. Only when it is re-issued as a 'what' question is the pupil able to respond:

T2

T: If if Nathaniel's sitting where you want to sit on the  
 carpet (1.0) [what should you do next?

F: [I know we can si- (.) .hh we .hh we didn't wanted  
 to sit where Nathaniel is (.) um (.) we (2.1) we thu- (0.4)  
 we didn't want to sit in Nathaniel's space (3.0) um (.)  
 but- (.) I don't know what to say now!

T: Okay so if there's a problem about who is sitting where  
 on the carpet (0.2) what could you do next time  
 instead of calling people rude names.

F: Uuh: saying excu:se me

In the following sequence the teacher uses rhetorical questioning in an attempt to help pupils empathise with one another; it is not the response that is important in this situation but the point being made by the question. Asking "can you understand" is perhaps supportive of perspective-taking, but its design as a closed question causes difficulties in that it gives little opportunity for the pupils to display that they have indeed 'understood' and invites an acquiescent reply as a routine response.

T3

1 T: =okay, so (0.6) Kara can you understa:nd (0.4) why Jamil  
 2 might ha' bin >upset about that<.

3 K: Yeah ((nods))

4 T: Would you ff (.) liked it if: (.) other people were  
 5 spreading things about you?

6 K: No bu'I didn't spread [it around.

The defensiveness that has been engendered may make it harder for Kara to empathise with Jamil, which could be detrimental to the task of the conference. Here

response to the question in line 4-5 suggests she perceived an implicit assumption that she was indeed 'spreading things'. Her response in line 6 deals with both parts of the question; the rhetorical part (no I wouldn't like people spreading things about me) but refutes the assumption that she was indeed doing this.

It has already been examined through previous discussion on IREs how both pupils and teachers orientate strongly to sufficiency in terms of pupil answers. It was also acknowledged that orientation to 'known answer questions' can serve to 'close down' pupil thinking, because of the strong emphasis on the answer which the teacher has in mind.

T3

- 1 T: Wha- what might be your next step. (.) you've lost your
- 2 play and your lunch time (0.1) that's not working what's
- 3 going to happen next.
- 4 K: I go 'into isolation'.
- 5 T: You go into isolation (0.6) and what's going to be your
- 6 next step ↓Jamil (0.1)if isolation hasn't worked (0.2)
- 7 what's going to be [your next step?
- 8 J: [get excluded?

In the sequence about, deference to the 'answer' the teacher has in mind causes both pupils to be very hesitant in their responses as indicated by low volume (line 4) and questioning intonation (line 8).

#### **4.6.3 Accounts**

Account- giving is a key feature of the RJ conference, and is required in some degree from all pupils. A number of tools were used by teachers to help pupils with account-giving. It has already been seen how the use of a tentative approach, and 'mirroring' of language used by the pupil may have been helpful for Jamil, as well as asking him to choose from alternatives, rather than expecting him to construct an account 'from scratch'. It has also been explored how the use of receipts, particularly repeat receipts, can encourage participants by allowing the teacher to show reciprocity which can be very encouraging for the children by allowing them to feel heard. Receipts also help to highlight and publicly display information which is relevant to the task of the conference, helping to ensure that everybody is concentrating on the major points at the right time.

In the extract below, the teacher must make sense of a rather lengthy account given by a pupil, which she does by telescoping and reformulating it in an interesting way:

T3

- 1 T: Start with ↑Kara (0.4) ↑yeah? Ok Kara d'you wanna start.
- 2 K: W:↓e↑ll I was:: (0.6) um sitting over the::re  
 3 ((points))(0.2) by the monkey b↑ars; (.) and >eating my  
 4 dinner; < .hh an' then Lily:: (.) an' Lo↓g↑a::n (0.4) no  
 5 (0.1) .hhh Lily:: and ahh (0.2) Aidan (.) wer:e (.)  
 6 jumping on the things over there? An' I said can you  
 7 stop pl↓ea↑se (.) an' then they di::d (.) and then we  
 8 were runnin' af- (.) after each oth↑er? (0.1) As a game;  
 9 (0.2).hh an' then (0.2) um (0.6) Jamil came ↓ov↑er  
 10 (0.1)beca- an' th- (0.2) strangled m::e; (.) because he  
 11 fought me Chantal an' Shelby were spreading things about  
 12 him (0.2) but we wasn::'t?

Kara achieves a lot with her account; she uses a story preface (“w:ell”) and intra turn pauses to indicate thinking space. This is quite a long speech at 40 seconds, much of which is spent setting the scene with details about location, people present and their activities. Jamil himself isn’t mentioned until three quarters of the way in. Kara chooses to describe how she had to tell another child to stop ‘jumping’; “I said can you stop please, an’ then they did”. This isn’t relevant to the incident with Jamil and may function to show the speaker in the light of someone doing ‘the right thing’ or ‘behaving responsibly’ which could be included as a way of mitigating against possible negative judgement later on. However, none of this is taken up in the teacher’s response, which is a rather stark reformulation:

T3

- 13 T: Okay; (.) so you- from what you’re saying is Jamil ou’ of  
 14 no↓wh↑ere (0.1) came over to you (0.1) and grabbed you by  
 15 the throat.
- 16 K: Yeah.

The ‘okay’ receipt suggests appropriacy and sufficiency, but the rather flat prosody of this reformulation implies this is more than just a summary; the teacher has evaluated the account as being unlikely or incomplete. The teacher’s rather ‘harsh’ evaluation may be evidence that she feels Kara is not being entirely honest. The teacher is clearly orientating to the important job of establishing ‘what happened’ and is attempting to deal with a problem of perceived dishonesty. In fact, Kara has done

something with her account which is unacknowledged; she has attributed J's action to an apparently false belief ("he fowt we were spreading rumours about him but we wasn't"), thus providing him with a quasi-excuse for acting the way he did. It is not established whether indeed this belief was false. As the teacher's reformulation doesn't in fact contradict Kara's account, she is obliged to accept it (line 15).

In transcript 4 there is an example of an account which is delivered in response to an opening question. It is a long account, lasting some twenty seven seconds. It is delivered confidently but with a lot of disfluency as indicated by the use of 'like' as a marker (5 times) 'started' (to indicate that something 'happened') and some difficulties with tenses. It also includes an attempt at reported speech (lines 4 – 6) which might be difficult to understand without familiarity with the context.

#### T4

- 1 T: Okay (.) so (0.8) Erin, do you wanna start an tell me what  
2 happened yesterday?
- 3 E: Well (0.4) basically me an Callum (0.2) arr an (.) Stacey  
4 Wheeler (0.2).hh we were (0.2) like playin but they 'n  
5 like (0.2) Hayden kept lookin at me like (0.2) >lookin  
6 over like that's just how wha' ee lookin at< an then ee  
7 sa' and then ee wen' (.) ya ↑ugly ↑face an then started  
8 walkin on (0.1).hh an like we started mmm (.) me an'  
9 Hayden started callin each other names? So then tha's when  
10 (.6) he star'ed callin me more names 'n wha I did to him  
11 (0.1) an' then I chase after him (0.2) °by the tree°.
- 12 T: Okay an' Hayden (.) does that sound about right or is  
13 there anything you'd like to add.

Despite its apparent disfluency, this talk does its job of being an account, as indicated in the receipt of the teacher and the turn of the next speaker, who takes up the account and 'irons out' some of the details according to his own perspective. Again, the account is problematic in terms of grammar, particularly in the lack of connectives. However, it clearly does its 'job' as an account, possibly because all parties present are familiar with the context.

14 H: [No basically wha' happened was (.)we .hh (0.2)we- (.) we  
 15 all got off the bus (0.2)Stacey an' Sam were speaking to  
 16 me:: (0.1) yeah I was just like cha'in to Dylan? An' that?  
 17 Waiting for like (.)who was in a groups? I was just  
 18 walking on an' like (0.2) I knew- I saw Erin an' Callum I  
 19 saw Erin whisperin' to Callum an' looking at ↑me cos I fo-  
 20 it was about me so I just ignored 'em and keep on walkin'  
 21 and speakin' to Dylan and Sam? (0.1) An then (.)a- an'  
 22 then when we got to (.) um (.) the first (0.1) um (.)hub  
 23 on the first activity (.) um (0.2) I've be- I basically we  
 24 were havin' really good fun (.) me an' Dylan got in our  
 25 group (0.2) Um (.) her- ((turns to Erin)) Was it you and  
 26 Amelie?  
 27

These extracts suggest that important factors in account-giving are willingness to communicate on the part of the speaker, and confidence about being heard, alongside strong expectations that the system will give time and space for both.

#### **4.6.4 'Stepping out' of restorative talk**

An interesting phenomenon which occurred in all of the conferences was to do with teachers using their turn to 'step out' of restorative talk, that is to say, talk which orientates to the tasks and the spirit of a conference. At these moments the teacher reverted to a more judgemental style of talk (perhaps more commonly associated with 'traditional' teacher discipline), which consisted of forming evaluations about pupil actions. Such turns may be designed to instruct listeners (perhaps including any who might later view the recorded material) with a 'learning point' from the conference which is also applicable in the wider world. This was seen earlier in C1:

T1:  
 1 T: How we gonna to fix ↓this (.) because (.) you were  
 2 incredibly violent to another person (.) you made them  
 3 cry:: (0.6) an' it was- (0.2) it seemed quite unfa::ir;  
 4 (.) Ho::w (.) are you going to fix this?  
 5 C: ((wipes nose)) say sorry (and agree a) handshake

Similarly in C3 time is taken to remember the gravity of Jamil's actions in line 3, in talk by the teacher which could be constructed as a 'telling off'.

T3:  
 1 T: An' so why do you think Jamil got isolation.



- 2 K: (0.6) for strangling me;
- 3 T: ↑Yeah because wha' he did was (.) violent and aggress↓ive  
 4 (0.4) an' although I can understa:nd why he was upset  
 5 (1.2) his actions weren't (0.1) justified. (0.6) An' no  
 6 one can ev↑er (0.2) physically hurt another person. (0.6)  
 7 It's not acceptable. (0.6) So Jamil what do you think you  
 8 should have done instead.
- 9 K: (0.8) walked away?

Related to this category of 'stepping out' of restorative talk is also the phenomenon of the teacher explicitly identifying a 'learning point' or a 'moral' of the conference for the pupils, which was explored in section 4.4.

#### **4.6.7 'Voicing up'**

This data set also featured turns where the teacher 'voiced up' some thoughts or feelings of the pupil, which might otherwise have been unforthcoming. The purpose of this seemed to be to allow the teacher to 'model' the kind of interaction she would like the pupils to aspire to. In the example from C3 below, the teacher makes effective use of prosody to show how she would like the pupils to interact with each other:

- T3
- 1 K: [My mum said I'm  
 2 not allowed to talk to Jamil.  
 3 (0.4)
- 4 T: If that's what your mum said; However there might be  
 5 occasions (0.4) when (.)you might want to say hello to  
 6 him. (0.4) Okay jus' because you're not fr↑iends (0.2)  
 7 doesn't mean you can't be polite to ↓each other. (0.6) If  
 8 you bump into him you say(0.1) '↑really sorry Jamil' (0.2)  
 9 Jamil if you accidentally knock Kara (0.1) 'really sorry  
 10 Kara' (0.6) You might need to ↑pass each other something  
 11 (0.4)) '↑here you go ↓Jamil' (.) '↑here you go ↓Kara'.  
 12 (0.4)

Similarly in C2 the teacher models some ideas for the kind of adjectives her pupils could use instead of insults:

- T2
- 1 T: So you might (0.1) I don't know; (.) do you like being  
 2 called pretty?

3 N: [slight nod]  
 4 T: £He do:es. (.) So you could say (.)pretty Nathaniel or=  
 5 F: [laughs]  
 6 T: = friendly Nathaniel or kind Nathaniel or smiley  
 7 Nathaniel. There are lots of adjectives.

On another occasion the teacher 'voices up' for a silent pupil, for the purposes of enabling the conference to continue moving through its tasks. This was achieved by taking on the role of the recipient of the joke, instead of its intended recipient; the other pupil. Her 'voicing up' also serves the purpose of publicly displaying how to interpret the joke, to increase the chances of the silent pupil 'getting it' and being able to participate more fully:

T2

1 F: Why did the cow cross the road  
 2 N: ( 2.0)  
 3 F: Don't know?  
 4 N: ((head shake))  
 5 F: £ .hh because he wanted to go to the mo:vie  
 6 (1.2)  
 7 T: Oh ↑I get it the mooooo vies (0.1)D'you ↑get ↓it?=  
 8 N: ((nod))  
 9 T: = Cos cows sa:y? (0.1) [Mooooo  
 10 F: [Mooooo  
 11 N: [Mooooo  
 12 F: [>Ah- hee hee<!  
 13 T: [That was quite funny >there's a ↑li::ttle smile on his  
 14 ↓fa:↑ce I wonder if we can make him smile- (.) have a  
 15 bi::g smile on his face what could we do?

'Voicing up' was also seen when the teacher wanted to highlight and publicly display a pupil contribution which had been given non-verbally, as in the case of 'confirming what happened' below:

T4:

- 1 T: Okay so Callum did you go up to Hayden and say (0.2) him  
 2 and Erin weren't friends any↑more?  
 3 C: ((nods))  
 4 T: Is that true? (0.1) Yeah? (0.1) An' did Erin ask you to do  
 5 that?  
 6 C: Yes

The teacher amplifies Callum's reported action with three upward intonations in line 4, which performs the task of saying 'we need to get this bit right' or 'it's too important to just nod'.

Another form of 'voicing up' was use of a 'wondering aloud' technique (Bomber, 2007), which was observed in C2, lines 5 - 7 to open up thinking around a point which has become 'stuck'. This involved taking a purposely 'naïve' approach to the situation, and represented a more subtle approach than just instructing a participant to say something.

- T2  
 1 F: (0.2) I haven't (.) ((shakes head)) °I don't know°.  
 2 T: You don't kno::w (0.2) would you ↑like to try and help S C  
 3 feel ↑better?  
 4 F: ((shrugs)) don't know=  
 5 T: =not sure well .hh (.) I think that would be very ki::nd  
 6 and it might make him feel (.) that perhaps you're- or  
 7 you're a nice girl after all so=  
 8 N: [°say sorry°  
 9 T: =[shall we ask Nathaniel (0.1) what might help >wh what  
 10 would help (.) Nathaniel?

Teachers design their turns in a number of ways to support the process of meeting RJ task requirements. This applies not only to performing their own tasks, but to supporting the communication of the pupil participants.

#### 4.7 Lexical choice

When constructing a turn at talk, speakers often have a range of words or phrases at their disposal. Lexical choice refers to the selection that the speaker makes of

particular words and descriptive terms, and can reveal much about their orientation to institutional tasks (Heritage 2004).

#### **4.7.1 'Domains' of responsibility**

All of the conferences featured use of the 'institutional we', which Sacks, (1992 [1964 - 1972]) described as being applied when individuals wish to indicate that they are speaking on behalf of an institution. In the context of a RJ conference, it is usually used by the teacher to indicate he or she is speaking on behalf of the school. This is seen clearly in lines 2 and 3 below from C2:

- T2
- 1 F: Now I think we need another thing
- 2 T: I just want to ask you one more question okay.hh (0.4) We
- 3 don't really want this to happen again (.)do we?
- 4 F: No

Freya's use of 'we' in line 1 is not institutional in the same way, in that she is simply referring to people in the conference. She is hoping that the 'we' of the conference can enjoy another joke, but the teacher needs to bring things back in line with expectations of the school; that this will not happen again. In this instance the use of 'we' also helps to re-introduce some gravitas.

Also of interest is the movement between 'you' and 'we' within the same turn. This was seen earlier in C1 (T.1.5 lines 10-18) and there is a similar instance in the extract below from C3:

- T3
- 1 T: (1.2) Now we don't want that to happen. (0.6) I'm guessing
- 2 you two don't want that to happen.
- 3 K: [[shakes head]
- 4 J: [[shakes head]
- 5 T: No? >You don't want to be in isolation you don't want to
- 6 be excluded. (.) No. (0.4) So we need to make sure that
- 7 this doesn't happen again.

Jamil is clearly being given responsibility for managing his own next steps (lines 5- 7) as indicated by the teacher's use of 'you'. 'We' is reintroduced in line 9 to indicate the negative view the school would take if Jamil got into similar trouble. However, in 14 – 15 the institution is again invoked through the use of 'we', but this time in an active, rather than judgemental sense; as something that can take action alongside Jamil's own efforts to help ensure that this doesn't happen again. Use of 'you' indicates that Jamil's decisions about his behaviour are his domain, whereas wishes, wants, values and supportive action are in the domain of the institution.

There is another example of 'we' being selected for a particular effect, from the same conference, where Kara structures her turn with notable sensitivity to avoid the adversarial notion of someone 'telling' on someone else. In this way she demonstrates her understanding of the process by orientating to the non-adversarial nature of RJ (line 5).

### T.3

- 1 T: Y↑ep (0.1) I think that's a really good thing to do.
- 2 (0.1)S↑o (0.2) how can we ensure- how can I be sure that
- 3 you're not going to spread things about Jamil (.) >and
- 4 Jamil's not going to spread things about you
- 5 K: (0.2) U::m (1.8) if (0.8) we do spread things we go and
- 6 tell a teach↓er (,) and then: (.) the dinner lady will
- 7 tell you.

### **4.7.2 Feelings words**

One of the benefits of running RJ conferences in schools is that they help promote empathetic thinking through explicit discussion of feelings and offer a unique opportunity to reflect on the effects of one's actions on other people (Wallace, 2014, Zehr, 1995). Therefore it could be expected that words about emotions would be a strong feature of participants' lexical choice.

The primary-aged pupils featured in this data set did not tend spontaneously to move beyond 'happy' or 'sad' in their use of 'feelings' words, often needing support to do so by the teacher, as in the example below:

### T4

- 1 T: Hayden how did it make you feel when you thought Callum
- 2 and Erin were whispering about you?

- 3 H: (0.2) Sad?  
 4 T: Yeah-p? Upset?

The following example shows how a progression of feelings was induced in one child in order to inspire empathy with another child:

T3

- 1 T: [Regardless of whether: (.) you  
 2 were sprea↓ding it or n↑ot (0.2) how would you feel; (0.4) if  
 3 you thought someone was spreading things about you.  
 4 K: I would fee:l (1.0) sad  
 5 T: Yeah? (.) How would you feel if you knew someone was  
 6 spreading things about yo::u that you knew weren't true.  
 7 K: (0.8) ↑really (.) ↓angry  
 8 T: Yeah? (.) So can you maybe understand why Jamil was  
 9 re::ally angry  
 10 K: ((nods))

In line 3, Kara gives a preferred response ("sad") and her pause beforehand suggests that this has involved some thought about her feelings rather than just being a perfunctory response. The questioning intonation of the teacher's receipt in line 4 however hints at insufficiency, and the re-issue of the question, which now includes something extra (line 5) is structured to elicit a stronger response, which indeed it does (line 6).

Having engendered this 'stronger' feeling, the teacher then skilfully moves in lines 7 and 8 to consider how Jamil must have been feeling, thus encouraging empathy in Kara, the success of which is indicated by Kara's comment in line 9. It is interesting to note that the emphasis here has been about perspectives, rather than facts.

This 'hard work' on the part of the teacher, to encourage the use of 'feelings' words to engender empathy and perspective-taking, is also evidenced in the following sequence from C4. As with the previous extract, the question "how would you feel...?" is key.

T4

- 1 T: [Yeah-p, okay,  
 2 so:oo(0.6) Hayden (.) how did it make you feel when you  
 3 thought Callum and Erin were whispering about you.

4 H: (0.2) Sad?  
 5 T: Yeah-p? Upset?  
 6 H: ((nods))  
 7 T: Yeah? And (0.1) Erin and Callum (.) could you understand  
 8 that?  
 9 E: [Yeah  
 10 C: [Yeah  
 11 T: Cos how would you think (0.1) Callum how would you feel if  
 12 Hayden and Erin started whisperin about you ↓now  
 13 C: (1.0) Aa:::arr (.) mmm (0.2) Not ↑sad but sad if you get  
 14 what I mean  
 15 T: Yes so not (0.2) really upset=  
 16 C: Yeah  
 17 T: =But just a little bit sad  
 18 C: Yeah  
 19 T: Yeah? An' Erin, how would you feel if Hayden and Callum  
 20 started t- whispering about you?  
 21 (1.8)  
 22 E: Depressed and look upset  
 23 T: Okay (0.2) so (0.2) can you maybe understand why Hayden  
 24 was upset?  
 25 E: [Yeah  
 26 C: ((nods))

Techniques used by the teacher include gentle questioning, paraphrasing for the child (lines 12 and 14) and provision of an additional, slightly stronger feelings word (line 4). In something of a role reversal, Hayden gives a 'nod' receipt to indicate the sufficiency of the teacher's response.

Callum's response in line 11 is interesting; there is an initial pause, then some noises, designed it seems to indicate thinking, which serves as a 'place holder' to continue his turn. "If you get what I mean" may be a way of asking the teacher to give an indication

of understanding, which is supplied in line 12; it may also indicate a lack of confidence with expressing his feelings.

Further hard work in the same conference is evidenced below, as the teacher works on the idea that perceptions of events are the key driver of behaviour, rather than the actual events themselves.

T4

- 1 T: Even though you weren't talking about him (0.8) if he  
2 thought you were (0.4)
- 3 H: Because they were staring at me
- 4 T: Yeah-p I- I completely understand that Hayden so if you  
5 think someone's talking about you it's not a nice feeling  
6 is it  
7 (0.2)
- 8 T: No? (0.4) An' you- both of you've just said (0.2) it would  
9 make you feel a little bit upset (0.6) so you can maybe  
10 understand where Hayden's coming from?
- 11 [Yeah

The teacher is working to help the pupils see that intentions are not as important as perceptions in terms of explaining behaviour. Hayden himself contributes to the importance of perceptions by explaining how the 'staring' made him feel a particular way (line 3). By concentrating on perceptions, the teacher not only supports the development of empathy, but manages to cut through earlier difficulties to do with establishing 'what happened'.

In line 5 the teacher brings in 'general' information about how it is not a nice feeling if you think that someone is talking about you. In this sense she is doing inferential work for the pupils, in order to establish a learning point about behaviour in general.

In the sequence below the teacher manages to provoke empathy, or at least some strength of feeling as indicated by Freya's tone, facial expression and quieter voice. The teacher's receipt 'mmm' serves to keep Freya's 'really upset' hanging in the air for some time, with the effect of added emphasis.

T2



- 1 T: It is mean an (0.4) .hh how would you feel if someone  
 2 called you smelly Freya?
- 3 F: (.) really upset ((sad face, bottom lip out))
- 4 T: Mmm .hh

### **4.7.3 Evaluative comments**

Lexical choice pertaining to the use of strong adjectives - when teachers 'step out' of restorative speak to deliver judgments on a particular pupil's actions – were seen in the examples given in the section on turn design, with descriptions such as 'incredibly violent', 'unacceptable', 'aggressive' and 'unfair'. These labels have not arisen from the perceptions of the injured party, but are delivered as 'truths' by the teacher.

This could be to do with the fact that teachers at the school are relatively new to RJ, and this practice may be to some extent 'transitional' in nature, orientating to more traditional ways of dealing with misdemeanours. This idea is supported by the fact that such practices are not seen in training videos or 'authentic' clips facilitated by more experience practitioners, and will be taken up in the next chapter.

## **4.8 Interactional asymmetries**

### **4.8.2 Making contributions**

The rhetoric of RJ conferences requires that all parties have their say and are enabled to feel heard. Symmetry, in this respect, may be seen in terms of the opportunities participants are given to speak, rather than the volume of talk that they produce, as this is likely to be highly variable and linked not only to their role in the event itself, but factors such as the individual child's personality and level of confidence and communication skills. However, when there is asymmetry of contribution which is due to pupil reticence, for whatever reason, it falls to the teacher to make sure that this child's view is represented nevertheless. Examples of this being effected were seen earlier in the sections on giving accounts and 'voicing up' (4.6.3 and 4.6.7).

In this data set there was no overt orientation to the 'victim' being allowed to give his or her side of things first, even though this is usually the case in RJ conferences in the criminal justice system. This could reflect the view that, within a school context, it is not always easy or possible to identify a 'victim' and 'perpetrator' and that the job of 'sorting things out' falls to everybody equally.

#### **4.8.1 Asking questions**

It has already been established that in RJ, as in other areas of school life, there is asymmetry between the teacher and pupils in terms of their participation rights in conversation. This is seen most clearly in the turn-allocation system, where the teacher is a 'creative director' who can orchestrate pupil turns in such a way as to shape the conference according to task requirements and ultimately propel it to a satisfactory conclusion, usually within a limited time frame. It is almost uniquely the teacher who asks questions during the RJ conference. Questioning prosody is used by pupils only as a way of seeking an evaluation of something that they have said:

T1:

T: .hh so Connor::? (0.6) How we gonna fix this.

C: Say so:rry?

T3:

T: Who could you talk to out there?

J: Dinner lady¿

A question from a pupil was seen on one occasion only, to seek clarification for something which hadn't been heard:

T1:

T: Definitely I think we're going to talk about that a bit more in a min↑ute

R: What?

T: He says he's not going to do it again (0.2)

Clearly in the RJ conference, as in the classroom, the teacher has maximised participation rights, not only as a reflection of his or her status but also because the role of asking questions is closely affiliated to getting the job 'done' in terms of completing tasks within a limited time. Although pupils are frequently seen to orientate to these tasks, it is uniquely the teacher who initiates sequences responding to each of the tasks. In T2 line 3 there is overt orientation to the next step in the task; a kind of 'meta turn-taking': "so the next question is". This not only reminds these younger children of the process being followed, but is a way of indicating that it is very much something they are all doing, rather than something the teacher is doing 'to' them.

T2

- 1 T: Think (0.1) good girl (.) because .hh it's not very kind
- 2 to say nasty things it upsets people doesn't it?

- 3 F: ((nods))
- 4 T: Nathaniel's upset now (0.2) so the next question i::s (0.4)
- 5 what are we going to ↑do to try and ↑fix it?
- 6 F: (0.2) I haven't (.) ((shakes head)) °I don't know°.

### **4.8.3 Knowledge and rights to knowledge**

Asymmetry of knowledge between teacher and pupil is 'normal' in the classroom, whereby knowledge is understood to reside with the teacher. However, sometimes the teacher may need to establish certain facts by seeking information from the pupils through posing genuine, rather than 'known answer' questions. Even if the teacher knows the general circumstances, by asking 'what happened' the pupil's unique perspective is sought, which can bring to light 'new' knowledge.

- T3
- 1 T: Is that true? (0.1) Yeah? (0.1) An' did Erin ask you to do
- 2 that?
- 3 C: Yes
- 4 T: Okay (.) so:: (.)6 sounds to me (0.6) like we don't
- 5 really know (0.2) where it started?
- T2
- 1 F: You've got pretty eyes Nathaniel.
- 2 T: So you might (.) I don't kno::w do you like being called
- 3 pretty?
- 4 N: [slight nod]

In the extract from C3 below the teacher moves away from the role of non-judgemental facilitator by bringing in outside information and interesting use of the legalistic term 'witnesses'. The teacher presents Kara with a series of facts, which appear designed to lead her towards 'a confession'. This extract is highly illustrative of issues around knowledge; knowledge about 'what happened'; who currently 'owns' that knowledge, (Kara) and who has the right to that knowledge; the teacher and the other participant. Kara's own stance is one of denial, both of having done the spreading (line 5-6) and of having any idea of why other children are saying that she did (line 9). Her 'plea', it could be said, is ignorance (line 13).

The 'she' of line 1 is Kara, as the teacher has just been addressing Jamil. By line 3 the teacher is addressing Kara again:

T3

- 1 T: Yeah? (0.8) I don't know ↓whether she said it or ↑not  
 2 because I wasn't out in the playground (0.4) how↑ev↓e:↑r  
 3 (0.8) I've got witnesses who said you ↓were going around  
 4 with Sh- Shelby and Chantal (0.4) spreading things about  
 5 Jamil.
- 6 K: Ye::ah (.) we (0.1) we was just um walking a↑round; we (.)  
 7 wasn't .hh saying anyfing to anyo:ne;
- 8 T: Okay (.) but other people are telling me that you were  
 9 (1.0) okay? An' I (0.4) don't know why they would (0.1)  
 10 make that up.
- 11 K: (1.6) because I don't know wha:t they're on about (.) I  
 12 didn't [speak] in fron' of anyone
- 13 T: (0.1) so if I speak to Chantal and Shel↑by (0.8) they'll  
 14 say exactly the same thing.
- 15 K: (0.1) don't know ((slight shrug))
- 16 T: (1.0) Because we've bin in this situation before ↓Ka↑ra ( )  
 17 where you've told me:: (0.1) that you didn't do  
 18 anything and when I speak to other peo↓ple: (.) it turns  
 19 out that you have.
- 20 K: Yea:h bu' I didn't go round an' say anything about Jamil;  
 21 (2.0)
- 22 T: >Okay< (0.1) right if that's what you're ↓sa:y↑ing (0.2)  
 23 wha' I'm saying is other people are telling me that you  
 24 a↑r↑e (.) people that I don't think would lie about it.
- 25 K: (1.8)
- 26 T: Howeve::r (.) we've already had our consequ↓enc↑es (0.4)  
 27 Kara can you explain wha' ha- wha' happened to you?

Kara's repeated use of negatives is counteracted by the teacher; "we wasn't" "you were". This 'wrangling with facts' continues until line 24, when the teacher brings in reference to 'consequences' which have already happened, as a way of moving on. This underlines a point which has already arisen through examination of other sequences; that facts, whilst useful in establishing 'what happened', are ultimately less significant than perceptions when acknowledging people's feelings. Indeed, over emphasis on the pursuit of facts can compromise the efficiency of the conference.

#### 4.9 Summary of findings:

Perakyla and Vehvilainen (2003) have observed that close analysis of interactions can reveal significant and previously unsuspected knowledge. This chapter has applied conversation analysis to attempt a detailed analysis of four RJ conferences within one primary school, with a view to adding to the existing body of knowledge about restorative justice, namely, increased understanding about the mechanics of how it works.

The aim of the chapter in terms of producing results, and the means by which the results would be produced, was described in section 4.1 and is reproduced below:

*Ten Have (1999) describes the ultimate 'results' of CA as being a set of formulated 'rules' or 'principles' which are orientated to by participants during the course of their interactions. Such 'rules' are generated by micro-analysis of singular instances, which are then 'tested' against other, similar instances.*

The principles identified through this research include the following:

1. RJ conferences may be distinguished from other types of meetings in school by their explicit orientation to the task requirements of the conference, as indicated by the five questions of the script
2. The concept of an RJ conference was sufficiently understood within the research school for the term 'conference' to stand alone, so that children outside the room, who were not involved, would understand the need for particular behaviours (to be quiet and not enter)
3. There appear to be five broad areas of activity within the conferences which do not correspond entirely to the five 'tasks' of the script. These areas of activity are; an 'opener' which acts as a semi-formal way of beginning the conference; question and answer sequences which establish what happened and how these events make people feel (this second area takes approximately half of the conference); identifying ways to prevent the incident happening again; drawing out a key learning point, or a 'moral', which is publicly displayed; and finally a dismissal

4. A robust turn-allocation system enables the teacher to direct conversation towards the completion of task requirements. This system is often orientated to overtly, through reference to the five questions of the script, and sometimes through 'meta turn taking'
5. Despite clear orientation to the turn-allocation system by both teacher and pupils, RJ conferences may be less formal than ordinary classroom talk, as indicated by the scope for overlapping talk, the high incidence of repeat receipts used by teachers (which are intrinsically affiliative rather than authoritative) and the possibility for pupils to 'opt out' either by not taking their turn, or giving a dispreferred response
6. The repeat receipt is a salient feature of conferences and is used by teachers to 'bank' and highlight pupil talk which is pertinent to the tasks of the conferences. In this way it is a key tool for the teacher to 'sift' relevant from irrelevant information. The repeat receipt is also orientated to by the pupils as an indication of the 'sufficiency' of their responses, and in this way is similar to the IRE
7. Some ways of structuring turns at talk are more problematic than others, for example, the use of 'why' questions which tend to encourage pupils to justify their actions rather than apologise, and use of questions involving 'should', whose hypothetical nature may be inaccessible to some children depending on their developmental level. Rhetorical questions and IREs are sub-optimal in that they give little opportunity for pupils to demonstrate understanding
8. When addressing pupils, the teacher's use of 'we' or 'you' may signify perceptions about domains of responsibility when eliciting ideas for reparation (or 'how can we make things better?'); the use of 'we' or 'you' designates whether the responsibility lies with the school or the individual respectively.

The following features were also identified through the course of this research, but are better described as 'characteristics' of RJ conferences rather than 'rules' or 'principles'.

1. Teachers use a range of tools for supporting children's communication, including paraphrasing, cuing in, 'voicing up' and 'wondering aloud' (see section 4.6, 'turn design'). Pupil silence can be taken as a repair initiator, prompting any of these approaches
2. Account-giving is an important skill in RJ conferences because it allows children to respond to questions around 'what happened?' This appears to be a more linguistically demanding task and often teacher support is required. Techniques observed often focus on encouragement and include mirroring the pupils' use of language, tentative / gentle questioning techniques, giving alternatives, cuing in, summarising to include the useful bits (sifting) and use of receipts to indicate reciprocity. It was seen that even accounts which lacked fluency can be effective; important factors in account-giving are willingness to communicate and confidence about being heard, alongside confidence that the system will give time and space for both.
3. Teacher support for building pupil empathy involves giving considerable emphasis to the importance of perceptions, rather than events themselves, when considering people's feelings. Over-reliance on the pursuit of 'facts' may hinder the progress of the conference
4. Teachers pay special attention to 'feelings' words and often 'upgrade' or expand on contributions from the children which relate to these words. This reflects the high priority given to feelings and emotions in the workings of RJ conferences, and provides important opportunities to develop vocabulary and understanding of children's own feelings and the feelings of others. This may account for the potential of RJ to help build social capital in schools.
5. Teachers show a tendency to 'step out' of restorative talk in order to pronounce judgement on a pupil's actions. This may be a remnant from more traditional forms of discipline where 'reparation' is cast a little like 'punishment'
6. Related to the phenomenon of 'stepping out' of restorative talk is an unscripted tendency by teachers to clarify a key learning point, or 'moral', usually shortly before dismissal. Talk of this kind seems to do the inferential work for the pupils and relates to ways that new understanding, which has been acquired through the conference, can be applied to wider contexts.

## **Chapter 5: Conclusion**

### **5.0 Overview**

This research project has applied conversation analysis to four mini RJ conferences in one primary school, in order to find out more about how RJ conferences work. An extensive search of relevant search engines and literature appears to validate the notions that this is currently the only piece of research which inspects and documents the dynamics of RJ conferences in schools and as such differs from previous research which has tended to focus on the effectiveness of RJ. The end of the previous chapter summarised key findings in the form of eight formulated 'principles' of RJ conferences, which are orientated to by participants during the course of their interactions, and a further six key characteristics of conferences which may also be helpful when considering how they work.

All four of the conferences in this research were successful in that they managed to progress through the necessary tasks of the script within a restricted time scale, and in so doing moved participants towards a greater understanding of the implications of their actions, as well as offering an opportunity to reflect on ways to do things differently in future. This is not to say that problems were not encountered during the course of the conferences. Difficulties were many and included; overlapping talk; gaps or non-participation; misunderstandings; question formats which prompted justification of actions through account-giving, as opposed to apology; and teachers having to give preference to one idea around 'fixing it' or preventing future occurrences over others that might have been generated, possibly due to constraints of time. The way that the participants managed these difficulties and enabled the conferences to progress provided the main focus for analysis.

### **5.1 Reflections on methodology**

Asking teachers to film their own conferences had the advantage of causing as little stress and disruption to the research participants as possible. However, lack of direct observation by the researcher meant there was some uncertainty about the consistency with which conferences were managed. Although there was some degree



of uniformity as to how the presence of the camera was introduced to pupils in terms of the 'information sheet' which was read out by the teacher, greater parity between conferences could have been ensured by asking the teachers to turn the camera on immediately after this, in order to gain increased understanding of the role of 'openers', and perhaps to follow pupils as they leave the room, when considering 'dismissals'.

A further methodological issue is that teachers at the research school were not asked whether they recorded any conferences which they then chose, for whatever reason, not to pass on to the researcher, nor whether they decided in advance to record only certain conferences of certain pupils. Such information may have provided a useful perspective on whether the teachers were mindful of communication issues when selecting – if indeed selections were made – which pupils to record. It may also have indicated whether the teachers themselves considered the four conferences under scrutiny as particularly 'successful'.

Indeed there are many ways that this research could have been augmented with supplementary ethnographic information including reflections by pupil participants and teacher facilitators on the individual conferences; whether they 'felt' successful and whether the teachers in particular were aware of any 'techniques' being employed in order to negotiate the tasks of the conference. Such information may also have been usefully supplemented by seeking teacher views on observed phenomena such as 'stepping out' of restorative talk, or 'sifting', to ascertain whether this was consciously done or not. However, such questions are beyond the scope of this particular study.

Conversation analysis does not require a large data set, and the advantage of having done the study in one school is that certain key variables were minimised; all teachers had had the same level of training; the children had had similar levels of exposure and all classes were adhering to the same, straightforward script. However, it would be interesting to conduct research in a number of different schools to ascertain whether the phenomena identified in this study might also be found in other, similar settings. Such research would have to address the difficulties mentioned in Chapter 3 to do with obtaining consent for filming RJ conferences, as this sort of data is nearly always sensitive, particularly with older children, and participants can be hard to engage.

## 5.2 RJ and social capital

In the conclusion to her book, Hughes (2011) observes that 'the intersection between social understanding and education has, to date, received remarkably little research attention' (p.181) because most studies in this area tend to concentrate on the under-5s group. She asks whether it is possible to design curriculum innovations that stimulate reflection on mental states and encourage pupils to coordinate their perspectives to produce shared narratives. This research proposes that RJ is an optimum vehicle to fulfil such an aim, because when it is established in school it provides an authentic opportunity for young people to talk about their thought processes, and in so doing, supports them to become more aware of their mental states, their actions, and how these affect other people.

All pupils in the sample appeared to be aware that transgressions incur a need to 'say sorry', 'make friends' and 'have a handshake'. But to some degree the task of the RJ conference is to go beyond this, to make any remorse 'genuine' in that it becomes a natural response to understanding the distress or negative feelings of another person, and is not just a perfunctory response to the school's need to see justice done and move things on. The remorse-forgiveness dyad was seen in two of the four conferences in this study. In C1, Connor expressed frustration with himself for his actions, before apologising to Robbie in a subdued and solemn way. In C2, Freya's apology was less orthodox; the apology, or at least the desire to make amends, was given in the form of offering to tell Nathaniel a joke, and the 'forgiveness' came through laughter and renewed participation in the conference from Nathaniel.

Such demonstrations of remorse and forgiveness, within such a small data set and produced within such a short time, appear to be very powerful. It is hard to think of anywhere else in school where there would be a similar opportunity to consider another person's perspective in situ, in the way afforded through an RJ conference. A possible alternative is the use of social skills programmes to address the development of empathy. Such practices, although widespread, tend to deal with issues which are decontextualized, often from a text book. A possible direction for future research could be examination of any differences in impact between RJ and social skills programmes, with a view to establishing the significance of the authenticity in RJ.

### **5.3 Verbal demands of the RJ conference**

#### **5.3.1 Pupil skill set**

The focus of this research has been on the mechanics of RJ in one particular research school, and has asked: 'How does this work here?' Through the use of conversation analysis it has been revealed that teacher approaches and techniques are key in supporting children to do the tasks of RJ, and that the pole position of RJ in this particular school has helped to ensure that such tasks are strongly orientated to by both pupils and staff.

As the use of RJ becomes increasingly widespread, some researchers are starting to ask whether young people may be negatively affected by taking part if they don't have the requisite skills; RJ may be reinforcing feelings of inadequacy and incompetence for a participant who is unable to tell his or her side of the story, which may come across to the injured party as 'inauthentic' remorse, which is not only unlikely to result in forgiveness, but may also renew feelings of injury and anger. This may be more pertinent for older children where issues of shame, both to do with transgressions and the individual's ability to talk about such, are likely to be more complex. However, this study may be able to respond to these concerns as regards younger children, by suggesting that it is the teacher skill set and how it is used to support pupil communication, rather than the pupils' own ability, which is of key significance.

This research provides clear evidence that children as young as five or six (year one) can be supported to move successfully through all the stages of an RJ conference, even to the extent of demonstrating remorse and forgiveness. The research school was in an area of socio-economic disadvantage, where there may be an elevated risk of children having SLCN, however, within this school, RJ is used systemically with all pupils as the need arises, not just those who are deemed to be capable or who have reached a certain level of language competence. Indeed, impaired narrative discourse ability was evident in the accounts given by Erin, Hayden and Jamil (see Appendices J, K and L). Nevertheless, the implementation and school-wide use of RJ has been so successful that the school attributes its use to a range of positive effects including improved peer relationships and decreased behavioural incidents.

This study has taken the view that it is not relevant to consider assessing the language skills of RJ participants, other than in respect of how they approach the tasks of the conference. If pupils clearly are participating successfully in RJ processes, despite a

young age, or evident difficulties with account-giving, the question of whether they 'should' be able to participate by looking at skill level becomes redundant. There is also the concern that any sort of assessment might become connected to notions about 'eligibility' for RJ approaches, when it would not be desirable to exclude anyone, particularly those with the most to gain from opportunities to practice and develop skills to do with social understanding.

This study is able to respond in some degree to concerns that children may be or feel 'coerced' into taking part in restorative practices, when such practices form the basis of a school's behaviour policy. Findings indicate that children can and do use subtle ways of indicating non-participation, whilst still orientating to the processes of restorative justice. In this data set examples included remaining silent, declining a turn even when selected as next speaker by the teacher, declining to apologise, and even offering alternatives to an apology. However, schools implementing RJ approaches should always give consideration to alternatives for those who do not want to take part; both staff and pupils (Kelly, 2004).

### **5.3.2 Teacher skill set**

Teachers already have a very broad skill base in terms of supporting and encouraging pupil communication and participation in the classroom, which they develop through their daily practice, particularly with young children. This data set revealed a number of ways in which teachers anticipate and compensate for language and comprehension difficulties (please see section 4.9 of the previous chapter).

Because the teacher is director of turns, any problems with progressivity which occur during the conference are situated as problems for the teacher, rather than for the young person. The process demands certain contributions and if they are not forthcoming, or don't conform to type, it is the teacher-facilitator who must direct the talk in such a way as to overcome these problems. (This is a procedural issue and is different from other problems which could occur for the participants, for example, re-exposure to traumatic feelings). This research has helped to demonstrate that the work of the teacher, when accompanied by empathy, background understanding and scaffolding techniques can help give a voice to young people in RJ conferences, who might otherwise struggle with the emotional and linguistic complexities of dealing with transgressions.

Teachers' emphasis of feelings words and their use in context in authentic situations is likely to be highly instrumental in the development of social understanding (Carpendale & Lewis, 2006; Hughes, 2011). If RJ can help develop social understanding through explicit discussion of psychological states and their effect on people's choices and actions, then RJ should be offered more, rather than less readily to children with SCLN.

The literature review identified a highly complex relationship between BESD and SLCN; one that defies simple causal links. RJ appears to be one of the few interventions which simultaneously addresses issues in both areas, possibly because teachers are using their own talk to shape pupil talk, and in so doing are encouraging reflection on psychological states, actions and choices. More widespread use of such interventions has been advocated (Law & Plunkett, 2009).

## **5.4 Relevance of findings**

### **5.4.1 Future research**

RJ appears to have significant potential to develop empathy in young children and improve peer relationships, both of which are associated with improved life outcomes (Carpendale & Lewis, 2006; Lindsey & Dockerell, 2000). It is therefore important that RJ should be made accessible to as many young people as possible. The effectiveness of RJ has been well researched (Bitel, 2004; Skinns et al. 2009; Snow & Sanger, 2011), however, there is a notable dearth of information in the literature about ways to extend the use of RJ to young people with learning or communication difficulties. In particular, RJ may be an especially useful tool for young people with an autism spectrum condition (ASC). Given the difficulties of this group with perspective-taking, RJ may be an important way to help develop social skills and peer relationships within authentic situations. Research in this area would need to explore, for example, the degree to which RJ approaches would need to be adapted for use with young people with an ASC, or whether RJ approaches would need to be run more as an exploration of 'what happened' leading to the identification of a 'rule' to be used for future conduct. Given the increasing numbers of young people with an ASC in mainstream schools, who need to manage the social complexities of everyday life, this is perhaps a priority area for future research.

This research has demonstrated the potential for conversation analysis as a useful tool for uncovering the hitherto unexplored mechanisms by which RJ processes work.

Useful research for the future could involve using conversation analysis on a wider scale with RJ to ascertain if the principles and characteristics identified here are also evident in other settings where RJ is routinely used. Of particular interest would be whether the 'stepping out' of restorative talk is seen in settings where RJ is more established, which might suggest that such talk during RJ conversations is a feature of 'transitioning' to restorative thinking, away from more traditional, 'punitive' thinking. But as this process has only been found in one school, such a suggestion can only be made tentatively at present.

#### **5.4.2 Relevance to the practice of educational psychologists (EPs)**

This research has reflected on ways that teacher talk during RJ approaches can support the development of reflective skills in young people, not only in terms of their actions and the effects of these on other people, but also on ways to tell their story, name their feelings, allow others to take their turn, and agree ways forward. This may help EPs develop a view as to whether RJ is an approach they would like to support, perhaps as a school improvement initiative, in their own schools. EPs are well placed to interpret research for school management teams who are considering using RJ and advise about its potential benefits (for example, Bitel, 2004, Skinns et al., 2009). For schools who have already undertaken to adopt RJ approaches, EPs are able to have a key role in the training and ongoing monitoring of the school staff who would be facilitating RJ conferences. It is suggested that findings from this research could be applied to support and enhance the training of RJ facilitators in schools, not least by encouraging the use of video clips from authentic conferences (although of course appropriate consent would need to be fully sought).

Investigations online and in the media over several months as part of this research yielded only three short video clips of authentic RJ conferences in schools. In contrast, there is a wealth of videos of re-enactments, or dramatisations of RJ conferences for training purposes. These videos are clear and informative but are qualitatively different from 'authentic' conferences in that all participants in the former are familiar with the course of the conversation and know what the outcome will be in advance. Therefore there is not the sense of a work in progress, or negotiation taking place that is found in 'authentic' conferences. There is little example of overlapping talk, pauses, misunderstandings or requests for repair. And most notably, there is no sense of the considerable risk that participants are taking moment to moment through the decisions they make about how much of the truth, or the truth as they see it, that they are

prepared to reveal, and the potential consequences of these as revealed by the reactions of the other participants.

It is therefore suggested that resources for training teacher-facilitators in RJ could be greatly enhanced by the use of authentic video clips, such as those obtained as part of this research. Such clips could be used to:

- Explore and celebrate the broad skill base which teachers are naturally able to bring to bear in RJ conferences; training for teachers should make this skills explicit and build on them
- Give attention to scenarios where pupils may not want to participate, and develop scripts for dealing with this
- Examine use of the IRE format, including how it can narrow the scope of 'acceptable' answers which are available to the pupil; rather than opening up thinking. It may be helpful to encourage teachers to consider alternative formats
- Consider examples of 'stepping out' of restorative talk to use more traditional types of teacher talk, which is notably absent from dramatisations. It may be representative of the type of resistance encountered from staff in schools to taking on a whole-school restorative approach (mentioned in the RAIS research); that teachers feel on some level that 'restorative' justice isn't 'proper' justice, and should exist alongside, rather than instead of, traditional approaches (Skinns et al., 2009).

## **5.5 Closing comments**

This study is not large-scale enough to make generalisations about RJ, but it is hoped that the findings demonstrate the potential of CA to generate rich information about the 'mechanics' of RJ; how it works; its patterns and blocks, and how on a larger scale it could contribute to greater understanding of how RJ works in schools, despite the likelihood that pupil-participants may be at an elevated risk of language impairment.

This research started out by considering questions around the oral language competency of pupils in order to negotiate the considerable verbal demands of restorative justice conferences, however, the course of enquiry has resulted in a shift of emphasis onto the skills demonstrated by the teacher-facilitator. The more relevant question has become; how do teachers support children to progress through the task requirements of restorative justice conferences? A tentative conclusion is that teacher

skill is paramount in successfully negotiating the verbal demands of restorative justice conferences. These skills need to be exercised within a whole-school culture of RJ, where children are familiar with routines and expectations to such a degree that they feel safe. As part of this, ongoing teacher training, including structured opportunities to reflect upon successes and problems, is crucial.

RJ is fascinating because, like similar initiatives (Lipman, 2003; Fisher, 2008) it draws on so many things close to the human spirit, including morality, philosophy, forgiveness and redemption. Such things may be considered very high-brow, and yet with sensitive support from a skilled adult, can be made accessible to young children.



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